ARMY DEPARTMENT.

Simla, the 15th April 1913.

VOLUNTEER CORPS.

APPOINTMENTS, PROMOTIONS AND RESIGNATIONS.

Madras Volunteer Guards.

No. 342.—Lieutenant Frank Harold Bowden to be Captain, *vice* J. C. Adam, transferred to the Supernumerary List. Dated the 10th December 1912.

Second Lieutenant Charles Norman Lindsaye to be Lieutenant, *vice* F. H. Bowden, promoted. Dated the 10th December 1912.

Malabar Volunteer Rifles.

No. 344.—Captain William Kenneth Macaulay Langley resigns his commission. Dated the 31st March 1913.

The appointment of F. W. L. G. Narton-Vagge as Captain, should have effect from the 7th November 1912 and not as stated in Army Department Notification No. 150, dated the 14th February 1913.

Fort St. George, November 28, 1912.

No. 882.—Under the explanation to section 25 of the Negotiable Instruments Act (Act XXVI of 1881), the Governor in Council is pleased to declare that, in addition to the public holidays expressly defined as such in the said explanation, viz., Sundays, New Year's Day (Wednesday, the 1st January), Good Friday (Friday, the 21st March) and Christmas Day (Thursday, the 25th December), the following holidays shall be public holidays in the year 1913:—

Monday, May 12th,	1913	Whitsuntide.
Tuesday, June 3rd	"	King-Emperor's Birthday.
Saturday, August 16th	"	Avani Aruttam.
Tuesday, August 26th	"	Sree Jayanthi.
Wednesday, September 3rd,	1913	Ramzan.
Thursday, September 4th	"	Vinayaka Chaturthi.
Monday, September 29th	"	Mahalaya Amavasai.
Wednesday, October 8th	"	Ayudha Pujah.
Tuesday, October 28th	"	Deepavali.
Friday, December 26th	"	Christmas.
Saturday, December 27th	"	
Monday, December 29th	"	
Tuesday, December 30th	"	

2. The Governor in Council further notifies that on the following days, which are not declared to be public holidays under statutory provision, all public offices at the Presidency town and in the mofussil, with the exception of (1) the Sea Customs office, (2) the Reserve Treasury and the Office of the Commissioner of Paper Currency, (3) the General Stamp office—to be open from 11 A.M. to 1 P.M.—will be closed.—

Wednesday, December 24th, 1913. | Wednesday, December 31st, 1913.

A. G. CARDEW,
Ag. Chief Secretary.

JUDICIAL DEPARTMENT.

LEAVE.

No. 296.—The Hon'ble Mr. Justice James Herbert Bakewell, Judge of the High Court of Judicature at Madras, privilege leave for one month in continuation of the ensuing vacation of the High Court, under rule 17 (a) and (b) to article 343 of the Civil Service Regulations.

No. 286.—Mr. Edward Burton Lovelock, Superintendent of Police, the Nilgiris, privilege leave from the 7th March 1913 to 19th April 1913, both days inclusive, under article 260 of the Civil Service Regulations.

This cancels Judicial Department notification No. 273 published on page 409 of Part I of the *Fort St. George Gazette*, dated the 22nd April 1913.

No. 297.—Mr. Horace Geoffrey Furness, Assistant Superintendent of Police, Hosur, combined privilege leave and furlough on medical certificate for six months with effect from the date he ceased to do duty at Hosur, under articles 243, 260 and 309 (a) of the Civil Service Regulations.

EXTENSION OF LEAVE.

No. 298.—Mr. Edward Litton Skinner, Acting Superintendent of Police, Chingleput district, extension of privilege leave by one month from the 25th April 1913 under article 260 of the Civil Service Regulations.

APPOINTMENT.

Ootacamund, April 30, 1913.

No. 199.—Mr. Charles Banks Cunningham, Deputy Commissioner of Police, Madras, to act as Commissioner of Police, Madras, during the absence of Mr. P. Hannyngton on leave.

RESIGNATION.

Ootacamund, May 3, 1913.

No. 300.—The Hon'ble Mr. Justice Ralph Sellery Benson, *Kt.*, I.C.S., is permitted to resign the office of a Judge of the High Court of Judicature at Madras with effect from the 14th July 1913.

2. In accepting Sir Ralph Benson's resignation, His Excellency the Governor in Council wishes to record his warm appreciation of the valuable services rendered by Sir Ralph Benson during his long and honourable career and to express his regret at losing an officer of such conspicuously sound judgment and high character.

INVESTITURE OF POWERS.

Ootacamund, April 30, 1913.

No. 301.—Under section 28 of the Madras Civil Courts Act, 1873, as amended by section 5 of the Madras Civil Courts Act, 1885, the Governor in Council is pleased on the recommendation of the High Court to invest M.R.Ry. Madura Alagiri Krishna Iyan Avargal, District Munsif of Sholinghur in the North Arcot district, with the jurisdiction of a Judge of a Court of Small Causes for the trial of suits cognizable by such Courts arising within the local limits of his jurisdiction up to the amount of Rs. 100.

2. The powers given by this notification are personal and will be exercised by the District Munsif only so long as he continues to be District Munsif of Sholinghur.

3. This notification will have effect from the date of its publication in the *Fort St. George Gazette*.

No. 302.—The Governor in Council is pleased to appoint the undermentioned persons to be Special Magistrates for the towns specified opposite to their names, with the powers and subject to the terms and conditions specified in Notification No. 645, dated the 8th October 1912, published at pages 1004 and 1005 of Part I of the *Fort St. George Gazette* of the 15th idem :—

M.R.Ry. Cuddalore Rangasami Srinivasa Mudaliyar Avargal—Trichinopoly, in the district of Trichinopoly.

Ootacamund, May 3, 1913.

M.R.Ry. Pullangannu Srinivasulu Mudaliyar Avargal—Sholinghur, in the district of North Arcot.

Ootacamund, May 1, 1913.

No. 303.—The Governor in Council is pleased to appoint the undermentioned gentlemen to be Special Magistrates for the town of Tindivanam in the district of South Arcot, with the powers and subject to the terms and conditions specified in Notification No. 645, dated the 8th October 1912, published at pages 1004 and 1005 of Part I of the *Fort St. George Gazette*, dated the 15th October 1912 :—

Sathar Beg Sahib Bahadur.
M.R.Ry. A. J. Appasami Nainar Avargal.
M.R.Ry. Samuel V. Ponnusami Pillai Avargal, B.A., L.T.
M.R.Ry. Balagurusatha Chetti Avargal.
M.R.Ry. Kasa Lakshmanpathi Chetti Avargal.

No. 304.—Under section 12 of the Code of Criminal Procedure, 1898, M.R.Ry. Krishna Aiyar Natesa Aiyar, Stationary Sub-Magistrate, Sankarankoil, in the district of Tinnevelly, is appointed to be a Magistrate of the second class, and under section 37 he is invested with all the powers specified in the fourth schedule as powers which the Government may confer on a Magistrate of that class except the power to pass orders as to first offenders under section 562.

Ootacamund, May 3, 1913.

No. 305.—Under section 357 of the Code of Criminal Procedure, 1898, the undermentioned officers are authorized to take down the evidence of witnesses with their own hand in the English language :—

Mr. Bowler Chernocke Smith, First-class Magistrate, in the district of Tanjore.
M.R.Ry. Muguntheswara Kandadai Venkatachariar Avargal, First-class Magistrate, in the district of Chingleput.

NOTIFICATIONS.

Ootacamund, April 29, 1913.

No. 306.—Under the provisions of section 5 of the Indian Registration Act, XVI of 1908, the Governor in Council is pleased to direct that, from and after the 1st June 1913, the village of Masakkavandanesuppalayam, which now forms part of the registration sub-district of Sulur in the Coimbatore-Nilgiris district, be transferred to and form part of the registration sub-district of Avinashi in the same district. The limits of the village shall be the limits which shall from time to time be determined for administrative purposes.

No. 307.—Under the provisions of section 2, Act XII of 1880, "An Act for the appointment of persons to the office of Kazi," the Governor in Council is pleased to appoint Abdul Sammad Khurishi Sahib to be Kazi for the town of Hayadrug in the district of Bellary.

Ootacamund, April 30, 1913.

No. 308.—In continuation of Notification No. 818, dated the 16th December 1912, published at page 1241 of Part I of the *Fort St. George Gazette*, dated the 17th December 1912, sanctioning the continuance of the Temporary Subordinate Judge's Court in the district of Trichinopoly up to and inclusive of the 20th April 1913, the Governor in Council is pleased, with the previous sanction of the Governor General in Council, to direct under sections 4, 5 10 and 28 of the Madras Civil Courts Act, III of 1873 (as amended by Act XXI of 1885) that the said Court shall continue to hold its sittings at Trichinopoly for a further period of five months from 21st April 1913 and that it shall continue to exercise during that period the jurisdiction conferred on it by the said notification.

No. 309.—In exercise of the powers conferred by section 9 sub-section (4) of the Code of Criminal Procedure, 1898, the Governor in Council is pleased to appoint Mr. Arthur Edgington, Sessions Judge, South Malabar, to be also Additional Sessions Judge, North Malabar, during the ensuing vacation of the District Court of North Malabar.

Ootacamund, May 2, 1913.

No. 310.—In exercise of the powers conferred by clause (*a*) of sub-section 1 of section 4 of the Code of Criminal Procedure, 1898, the Governor in Council is pleased to declare that, with effect from 1st June 1913, the village noted in column 3 of the schedule hereto appended shall cease to be included in the local area of the police station noted in column 2 and shall form part of the local area attached to the police station in column 5:—

Circle in which at present included.	Police station to which now attached.	Name of village	Division in which hereafter included	Police station to which hereafter attached.
Gurzala	Pidugurallu ..	Kesanapalli	Sattenapalli ..	Bellamkonda

Ootacamund, May 1, 1913.

No. 311.—In exercise of the power conferred on him by section 26 of the Provident Insurance Societies Act, 1912 (V of 1912), the Governor in Council is pleased to exempt the Lutheran Church Provident Fund, Madras, from the operation of the time-limit prescribed for registration in section 6 (1) of the Act subject to the condition that the fund shall not receive any premium or contribution unless it applies to the Registrar for registration in accordance with the provisions of this Act within one month from the date of this notification.

Ootacamund, May 5, 1913.

No. 312.—The following notification of the Government of India is republished:—

HOME DEPARTMENT.

JUDICIAL.

Simla, the 8th April 1913.

No. 256.—In exercise of the power conferred by section 27 of the Indian Arms Act, 1878 (XI of 1878), the Governor General in Council is pleased to direct that the following amendment shall be made in the Indian Arms Rules, 1909, namely:—

In schedule I, after entry (5), the following shall be inserted as entry (5 A), namely:—

"(5-A) Every retired Indian Officer of the Supply and Transport Corps reserve.	The sword issued free to him by Government, prior to his retirement.	...	Those contained in sections 13, 15 and 16

ACQUISITION OF LANDS

Ootacamund, April 30, 1913.

Under section 6, Act I of 1894, the Governor in Council hereby declares that the land mentioned in the following schedule and measuring 2 *acres*, be the same a little more or less, is needed for a public purpose, to wit, for cultivation by ghat tahsildar; and, under sections 3 and 7 of the same Act, the Tahsildar of Bellary is appointed to perform the functions of a Collector under the Act and directed to take order for the acquisition of the said land.

2. A plan of the land is kept in the office of the Tahsildar of Bellary and may be inspected at any time during office hours.

SCHEDULE.

Description of land, whether dry, inam or poramboke, with survey or puimash number	Name of owner or occupier.	Boundaries of the land required to be taken up	Extent to be taken up
Bellary District, Bellary taluk, Bellary village.			
Govt., dry, S No. 272-3	Gadigi Chinna Rasappa and Chennappa (pattadar) and Jinki Rasappa, enjoyer by purchase	North, S. No. 272; east, S No 213 A; south S. No. 266, west, S No 214.	Acs. 2

Ootacamund, May 7, 1913.

Under section 6, Act I of 1894, the Governor in Council hereby declares that the land mentioned in the following schedule and measuring 4 cents, be the same a little more or less, is needed for a public purpose, to wit, for the construction of a hut for the Station House Officer at Chennimalai for a public purpose, and, under sections 3 and 7 of the same Act, the Revenue Divisional Officer, Erode, is appointed to perform the functions of a Collector under the Act and directed to take order for the acquisition of the said land.

2. A plan of the land is kept in the office of the Revenue Divisional Officer, Erode, and may be inspected at any time during office hours.

SCHEDULE.

Description of land, wet or dry, inam or pormboke with survey or puimash number	Name of owner or occupier.	Boundaries of the land to be acquired.	Extent to be taken up.
Coimbatore district, Erode taluk, Chennimalai village.			
Nathem poramboke, No. 87 A	Chinna Arumugam Pillai and Muthusamya Mudaliyar	North, road east to west; east, lane running north to south; south, Valoda mulam; west, lane running north to south.	4

A. G CARDEW,
Ag. Chief Secretary.

POLITICAL DEPARTMENT.

NOTIFICATION.

Ootacamund, May 6, 1913.

No. 10.—The following notifications of the Government of India are republished :—

FOREIGN DEPARTMENT.

Simla, the 16th April 1913.

No. 853-*I.E.*—In exercise of the powers conferred by the Indian High Courts Act, 1865 (28 and 29 Vict., cap. 18), and in supersession of the notification of the Government of India in the Foreign Department, No. 178-J., dated the 23rd September 1874, as subsequently amended, except in so far as it relates to Berar and to the purganas of Todgarh, Diwair, Saroth, Chang and Kot Karapa in Merwara, the Governor General in Council is pleased to direct that original and appellate criminal jurisdiction over European British subjects of His Majesty, being Christians, resident within the territories, save the portions aforesaid, of the States of India named below shall, until the Governor General in Council otherwise orders, be exercised by the High Courts of Judicature established at Fort William, Madras, Bombay and Allahabad, respectively, as follows :—

* * * * *

BY THE HIGH COURT AT MADRAS IN—

Mysore.
Pudukkottai.
Banganapalle.
Sandur.
The portions of the Kalahandi State occupied by the Raipur-Vizianagram section of the Bengal-Nagpur Railway.

* * * * *

No. 855-*I.E.*—In exercise of the powers conferred by section 3 of the Administrator General's Act, 1874 (21 of 1874), and in supersession of the notifications of the Government of India in the Foreign Department, No. 101-J., dated the 19th July 1879, as subsequently amended, and No. 812-E., dated the 19th April 1899, except in so far as they relate to the Baluchistan Agency territories and to the purganas of Todgarh, Diwair, Saroth, Chang and Kot Karapa in Merwara, the Governor General in Council is pleased to direct that the territories, save the portions aforesaid and Berar, of the States in India named below shall, for the purposes of the said Act, be included in the Presidencies of Bengal, Madras and Bombay, respectively, as follows :—

IN THE PRESIDENCY OF MADRAS.

Hyderabad.
The States in the Political control of the Government of Madras.
The portions of the Kalahandi State occupied by the Raipur-Vizianagram section of the Bengal-Nagpur Railway.

* * * * *

A. G. CARDEW,
Ag. Chief Secretary.

FINANCIAL DEPARTMENT.

NOTIFICATION.

Ootacamund, May 6, 1913.

No. 10.— STATEMENT of Provincial Revenue and Expenditure of the Government of Madras for February 1913.

REVENUE	Current year.				Previous year.		Actuals 1912-1913, compared with Budget proportion	EXPENDITURE	Current year.				Previous year		Actuals 1912-1913, compared with Budget proportion
	February 1913.	April 1912 to Feb. 1913.	Budget proportion	Budget estimate, 1912-1913.	February 1912.	April 1911 to Feb 1912.			February 1913.	April 1912 to Feb. 1913.	Proportionate Allotment grant.	Budget estimate, 1912-1913.	February 1912.	April 1911 to Feb 1912.	
	Rs.	Rs.	Rs	Rs	Rs	Rs	Rs.		Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
I.—Land Revenue ..	77,67,127	* 2,55,71,995	2,54,72,000	3,44,20,000	77,08,589	2,60,72,017	+ 99,995	1 Refunds and Drawbacks	20,743	1,82,015	1,41,000	1,19,000	24,005	1,98,826	+ 41,015
IV.—Stamps	8,34,181	60,14,955	58,50,000	68,50,000	8,42,062	58,53,294	+ 1,61,955	2 Assignments and Compensations ..	17,917	2,26,856	2,15,000	2,30,000	3,882	2,22,824	+ 6,050
V.—Excise	20,09,902	1,48,41,095	1,42,63,000	1,58,50,000	17,79,587	1,34,56,504	+ 5,78,095	3. Land Revenue	11,27,930	† 1,20,99,000	1,20,99,000	1,40,87,000	11,06,976	1,16,63,382	— 2,462
VIII.—Assessed Taxes—								6. Stamps	15,774	1,46,771	1,30,000	2,20,000	13,520	1,30,752	+ 16,770
Civil Officers ..	1,39,684	15,82,582	14,47,000	16,50,000	1,24,572	14,37,686	+ 1,35,582	7 Excise	22,418	8,27,074	8,42,000	9,24,000	81,481	8,26,547	— 16,926
Public Works Officers.	26	240	10,000	11,000	66	8,241	— 15,760	10. Assessed Taxes	1,025	16,673	18,000	18,000	1,543	16,605	+ 673
IX.—Forest	2,58,801	26,87,859	25,87,000	40,80,000	3,54,947	25,30,873	+ 80,986	11. Forest	2,59,390	27,44,292	27,07,000	30,15,000	2,89,732	23,01,672	— 62,708
X.—Registration	1,07,490	20,73,420	18,98,000	30,80,000	1,47,200	18,73,180	+ 1,75,420	12. Registration	1,09,283	11,38,679	11,28,000	12,40,000	4,13,736	11,31,910	+ 9,670
XII.—Interest	10,744	8,29,708	3,33,000	4,45,000	18,764	3,34,431	— 19,292	45. Interest on Ordinary Debt ..	..	..	..	8,19,000	..	..	..
XVI-B.—Law and Justice—Courts of Law.	1,13,821	10,60,886	9,88,000	9,92,000	90,333	9,31,077	+ 1,21,809	46. General Administration	1,15,073	12,02,400	12,81,000	13,11,000	2,77,824	10,77,793	+ 24,606
XVI-B.—Law and Justice—Jails.	28,024	2,64,828	2,10,000	2,00,000	27,084	2,67,021	— 16,194	46-A. Law and Justice—Courts of Law.	6,70,000	60,14,022	58,67,000	63,36,000	6,60,575	60,12,227	+ 1,47,022
XVII.—Police	26,540	4,55,572	4,19,000	4,06,000	38,202	3,76,146	+ 79,472	46-B. Law and Justice—Jails ..	1,02,296	12 11,797	12,97,000	15,00,000	1,09,477	12,28,611	— 25,203
XVIII.—Ports and Pilotage ..	9	101	..	..	76	69	+ 101	20. Police	3,10,220	30,33,593	30,11,000	32,01,000	3,07,130	27,00,278	+ 3,091
XIX.—Education	13,814	2,78,027	3,27,000	3,43,000	11,844	3,10,367	— 46,073	21. Ports and Pilotage	2,149	22,453	20,300	21,000	1,163	19,123	+ 3,442
XX.—Medical	24,328	1,46,059	1,21,000	1,28,000	7,077	1,21,934	+ 25,059	22. Education	3,09,870	40,60,276	41,08,000	43,58,000	3,77,430	37,86,596	+ 3,05,279
XXI.—Scientific, etc., Departments	67,717	3,70,640	5,36,000	6,39,000	1,29,588	6,00,076	— 1,47,458	24. Medical	1,00,138	17,29,182	17,29,000	20,32,000	1,40,874	16,04,179	+ 182
XXII.—Receipts in aid of Superannuation, etc	7,444	91,706	72,000	85,000	7,314	78,880	+ 4,706	25. Political	7,135	88,492	85,000	96,000	11,981	98,990	+ 3,492
XXIII.—Stationery and Printing—								26. Scientific, etc., Departments ..	1,07,237	24,24,304	24,77,000	27,27,000	29,980	11,41,875	— 8,696
Civil Officers ..	31,223	93,057	93,000	1,09,000	51,119	88,837	+ 148	28 Superannuations	2,70,267	28,28,482	26 80,000	26 94,000	2 21 873	28,61,920	+ 66,482
Public Works Officers.	0	61			24	142		30. Stationery and Printing ..	9,48 133	8,42,464	8,40,000	14,71,000	80,800	5,10,793	+ 1,664
XXV.—Miscellaneous ..	77,010	1,77,175	1,67,000	2,02,000	13,280	1,88,513	+ 10,175	32. Miscellaneous	83,343	4,90,023	4,67,000	4,84,000	40,401	6,48,314	+ 3,023
XXIX.—Major Works—								33. Reduction or Avoidance of Debt ..	..	..	..	2,50,000	..	..	..
Direct Receipts ..	7,784	1,25,814	1,23,000	1,32,000	7,994	1,19,697	+ 2,516	42. Major Works—							
L.B. Irrigation ..	..	..	..	..	..	..	..	Working Expenses	53,502	8 71,281	8,72,000	11,32,000	52,705	8,10,642	— 736
XXX.—Minor Works and Revisation—								Interest on Debt	..	..	..	14,25,000	..	..	..
Civil Officers ..	1,582	19,253	13,000	15,000	1,255	20,172	+ 6,253	43. Minor Works and Navigation—							
Public Works Officers.	31,197	1,85,603	1,80,000	2,05,000	8,313	1,81,986	+ 5,603	Civil Officers	49 188	4,60,069	4,61,000	7,00,000	45,305	5,75,763	— 60,931
XXXI.—Civil Works—								Public Works Officers ..	2,47,493	26 58,569	26,05,000	32,28,000	2,05,529	24,32,876	+ 46,569
Civil Officers ..	859	12,014	7,000	8,000	808	6,047	+ 5,014	49. Civil Works—							
Public Works Officers	29,608	2,83,070	2,77,000	3,01,000	48,216	2,01,020	+ 33,070	Civil Officers	5,91,206	79,30,148	79,32,000	72,81,000	41,257	44,35 238	— 1,852
								Public Works Officers ..	4,59,726	58,13,495	63,47,000	78,43,000	3,84,820	40,65,268	—4,73,512
Total, Revenue ..	132,80,566	5,70,20,322	5,63,84,000	6,92,81,000	1,10,52,976	5,50,46,067	+ 12,68,122	Total, Expenditure ..	65,48,603	6,89,78,561	6,88,87,000	7,87,52,000	84,78,413	6,63,81,252	+ 90,561

* Includes Rs. 3,80,378 on account of Proprietary Estates Village Service

† Includes Rs. 6,44,700 on account of Proprietary Estates Village Service.

A. G. CARDEW,
Ag. Chief Secretary.

STATE CENTRAL LIBRARY THIRUVANANTHAPURAM

MARINE DEPARTMENT.

LEAVE.

Ootacamund, May 3, 1913.

No. 38.—Mr. Francis Henry Cooke (Lieutenant R.N.R.), Port Officer, Pamban, combined privilege leave and extraordinary leave without allowances for six months from or after the 9th July 1913, under articles 260, 283 and 339 of the Civil Service Regulations.

NOTIFICATIONS.

Ootacamund, May 2, 1913.

No. 39.—The Governor in Council is pleased to direct that the regulations under the Paris Sanitary Convention be imposed at all the uninfected ports of the Madras Presidency against vessels arriving from the port of Aden, intimation having been received of the outbreak of plague at that port.

No. 40.—The Governor in Council is pleased to impose the regulations under the Paris Sanitary Convention in the ports of the Madras Presidency against vessels arriving from the port of Bushire, intimation having been received of the outbreak of plague at that port.

A. G. CARDEW,
Ag. Chief Secretary.

LEGISLATIVE DEPARTMENT.

NOTIFICATION

Fort St. George, April 10, 1913.

No. 17.—The Legislative Council of the Governor of Fort St. George will meet at Government House, Ootacamund, on Friday, the 16th day of May 1913.

2. Under rule 61 of the rules for the conduct of business at meetings of the Legislative Council, persons desirous of admission to the Council Chamber during the sitting should make application to the Secretary to the Council *through a member of the Council* and such applications should reach the Secretary not later than the 13th May 1913.

L. DAVIDSON,
Secretary to the Council

REVENUE DEPARTMENT.

LEAVE.

Ootacamund, April 29, 1913.

No. 181.—Under article 260 of the Civil Service Regulations, M.R.Ry. M. Ramanujachari Avargal, Deputy Collector, Seventh Grade, is granted privilege leave for six weeks from the date of relief.

Ootacamund, April 30, 1913.

No. 182.—Under article 232, Civil Service Regulations, the Government sanction the commutation of the six months' leave on medical certificate granted to Mr. F. X. Mascarenhas, Special Veterinary Inspector to the Forest Department, into privilege leave combined with leave on medical certificate.

Ootacamund, May 2, 1913.

No. 183.—Mr. P. M. Lushington, Conservator of Forests, Central Circle, privilege leave for three months and furlough for one year, five months and ten days in continuation thereof with effect from or after the 24th February 1913.

No. 184.—Mr. D. T. Barry, Deputy Conservator of Forests, combined privilege leave and special leave on urgent private affairs for six months with effect from the date of relief.

APPOINTMENTS.

Ootacamund, April 29, 1913.

No. 185.—Mr. Thomas Alec Whitehead, District Forest Officer, East Cuddapah, to be in additional charge of the North Cuddapah division from the date of relief of Mr. F. A. Daly until further orders.

Ootacamund, May 1, 1913.

No. 186.—His Excellency the Governor in Council is pleased to appoint the Hon'ble Mr. Alan Butterworth to be a Government member of the Council of the Victoria Technical Institute, *vice* Mr. Alfred Chatterton, C.I.E., resigned, and to hold office for a period of three years.

POSTINGS.

Ootacamund, April 30, 1913.

No. 187.—The following posting of a Deputy Collector is ordered :—

Mr. Sylvester Norbert Saldanha, on relief at Tuppattur, to Special duty, Madras, to take stock of stores in the Stationery office.

Ootacamund, April 28, 1913.

No. 188.—The following posting of a Forest Officer is ordered :—

Mr. Framroz Rustomji Medan, Assistant Conservator of Forests, to act as District Forest Officer, East Kurnool.

NOTIFICATIONS.

Ootacamund, April 28, 1913.

No. 189.—The following notifications of the Government of India are republished :—

DEPARTMENT OF COMMERCE AND INDUSTRY.

INDUSTRIES.

Simla, the 19th April 1913.

No. 2856-2.—In exercise of the powers conferred by section 4, sub-section (3), of the Indian Tea Cess Act, 1903 (IX of 1903), the Governor General in Council is pleased, on the recommendation of the Dooars Planters' Association to appoint Mr. G. F. Steddart of New Glencoe Tea Estate, Jalpaiguri, to fill the vacancy on the Indian Tea Cess Committee caused by the resignation of Mr. W. A. J. Thomson.

No. 2952-2.—In exercise of the powers conferred by section 4, sub-section (3), of the Indian Tea Cess Act, 1903 (IX of 1903), the Governor General in Council is pleased, on the recommendation of the Indian Tea Association, to appoint Mr. A. D. Pickford of Messrs. Begg Dunlop and Company, Calcutta, to fill the vacancy on the Indian Tea Cess Committee caused by the resignation of Mr. I. Mackenzie.

No. 2955-2.—In exercise of the powers conferred by section 4, sub-section (3), of the Indian Tea Cess Act, 1903 (IX of 1903), the Governor General in Council is pleased, on the recommendation of the Indian Tea Association, to appoint Mr. J. A. C. Munro, of Messrs. Duncan Brothers and Company, Calcutta, to fill the vacancy on the Indian Tea Cess Committee caused by the resignation of Mr. W. A. Duncan.

Ootacamund, May 3, 1913.

No. 190.—Under section 8, Act II of 1890 (The Canals and Public Ferries Act), His Excellency the Governor in Council is pleased to cancel the Revenue Notification No. 117 of 15th March 1893, published at page 322 of Part I of the *Fort St. George Gazette* dated 22nd March 1893, in so far as it relates to the ferries at Nanjaikkadambakkariabchi No. 67, and Tirumakkudal, No. 72, and to declare that the ferry at Tirumakkudal in the Trichinopoly district shall be included in the list of ferries across the Amravati river and that the scale of tolls leviable upon passengers, animals, vehicles and goods conveyed across the said ferry shall be as under :—

Items.	During ordinary freshes.	During heavy freshes.
	A. P.	A. P.
Man	0 2	0 4
Man with head load	0 4	0 8
Bullock (unladen)	0 4	0 8
Bullock (laden)	0 8	1 0
Horse	1 0	2 0
Pony	0 8	1 0
Sheep	0 1	0 2
Laden cart	5 0	10 0
Empty cart	3 4	6 8
Ass	0 4	0 8
Palanquine	3 4	6 8

Cotacamund, April 30, 1913.

No. 191.—Under the provisions of section 1 of the Madras Cattle Diseases Act, II of 1866, His Excellency the Governor in Council hereby directs that the provisions of the aforesaid Act shall be put in force in the village of Kannisori, Sattur taluk, Ramnad district, from 30th May 1913 to 14th June 1913 (both days inclusive).

ACQUISITION OF LANDS.

Cotacamund, May 5, 1913.

Under section 6, Act I of 1894, His Excellency the Governor in Council hereby declares that the land mentioned in the following schedule and measuring 41·06 acres, be the same a little more or less, is needed for a public purpose, to wit, for the opening of an agricultural farm at Anakapalle; and, under sections 8 and 7 of the same Act, the Head-quarters Deputy Collector, Vizagapatnam, is appointed to perform the functions of a Collector under the Act and directed to take order for the acquisition of the said land.

2. A plan of the land is kept in the office of the Head-quarters Deputy Collector, and may be inspected at any time during office hours.

SCHEDULE.

Description of land, wet or dry, inam or pannaiche with survey or patnam number.	Name of owner or occupier.	Boundaries of the land required to be taken up.	Extent to be taken up.
			Acs
Vizagapatam district, Anakapalle taluk, Anakapalle village			
Enfranchised service inam dry, S Nos. 1, 2 and 4 A	Nandala Adayya, Atchamma and Thamarna.	North, S No. 5; east, S. No 3; south, remaining portion of the inam; west, Goldsmith's bungalow site and public path.	2·57
Jeroyiti, dry, S. No 3	Proprietrix of Anakapalle; Kotha Adinarayana and Ahanna, tenants.	North, S. Nos. 5 and 6, east, S. No 18, south, inam, west, S Nos 2 and 4 A	1·35
Inam, dry, S. No. 4	Granthi Ramamurty	North, S No. 7; east, S No. 5; south, S. No. 4 A, west, remaining portion of S. No 4	·44
Jeroyiti, dry, S. No. 5	Proprietrix of Anakapalle; Granthi Ramamurty, tenant.	North, S No 7; east S No 6, south, S Nos. 4 A and 3, west, S No 4.	·62
Do. No. 6	Proprietrix of Anakapalle, Kotha Appalaswamy, tenant	North, S Nos 8 and 14, east, S. No. 75; south, S. No 6; west, S. No. 5.	·64
Inam, dry, S. No 7.	Manepalli Timmanna and Pamula Ammanna.	North, S. Nos 8 and 9, east, S. No. 8, south, S. Nos. 4–5, west, remaining portion of S No. 7.	1·30
Enfranchised service inam, dry, S. No 8.	Jakkula Venkataratnam ..	North, Kondapalliveri inam; east, S. Nos. 10, 12 and 14; south, S. No. 6, west, S Nos. 5, 7 and 8.	3·07
Inam, dry, S. No. 9.	Maddirala Sundara Rao Pantulu, being minor, mother and guardian Venkatnyammagaru.	North, Kondapalliveri inam; east, S. No. 8; south, S No. 7; west, inam.	1·42
Inam, wet, S No. 10.	Chintamidibotla Venkatareddi Pantulu and Venkateswara Rao Pantulu.	North, S. No 11; east S No. 13; south, S. No. 12, west, S. No. 8.	2·18
Canal, S No. 11 ..	... ...	... ...	..
Inam, dry, S. No. 12.	Ch. Venkatareddi Pantulu and Venkateswara Rao Pantulu.	North, S. No 10, east, S. No. 13, south, S Nos. 8 and 14; west, S. No 8.	·82
Channel, S. No. 13 ..	Proprietrix of Anakapalle, ..	North, Canal, east, S No. 15 to 18; south, S. No. 14, west, S. Nos. 12 to 12.	30
Inam, wet, S. No. 14.	Pecla Ramamurti Chetti Garu ..	North, S. Nos. 12, 13 and 15; east, S. Nos. 21 and 22, south, S. Nos. 26 and 27; west S. Nos. 28	3·45
Inam, wet, S No 15	Parlti Ramajogi, son of Subbanna, Parlti Venkatesamma of Ramajogi being minor, Sodemma mother and guardian,	North, S No 16; east, S Nos. 20 and 21; south, S No 14, west, S. No. 13.	2·42
Jeroyiti, wet, S. No. 16.	Proprietrix of Anakapalle; Granthi Ramamurty, tenant.	North, S. No 17; east, S No 23, south, S No. 15, west, S. No. 13.	·52
Do S No. 17	Proprietrix of Anakapalle Kotcha Appalaswami, tenant.	North, S No. 18; east, S No 20; south, S. No. 16, west, S. No. 15.	·37
Inam, wet, S. Nos. 18 and 19.	Kotala Lakshmiparasimham of Parlakimedi, and Nistala Rameswara Rao of Sarada.	North, channel; east, S No. 25; south, S. Nos. 24, 20 and 17, west, S No. 18	1·35
Do. S. No. 20	Kambhetla Venkayyamma ..	North, S. No 19; east, S No 24; south, S. No. 21; west, S. Nos 15, 16 and 17	1·53
Do. S No 21.	Perla Ramamurty Chetti Garu..	North, S. Nos. 20, 24 and 26, east, path; south, S. Nos. 22 and 23; west, S. Nos. 14 and 18.	5·23
Inam, dry, S No. 22	Chinta Ramamorty and Chinta Ramamurty.	North, S No 21, east, S No 23; south, Jeroyiti; west, S. Nos. 27 and 14.	2·80
Inam, dry, S No 23.	Kotana Gurnaswami . ..	North, S No. 21, east, path, south, Jeroyiti; west, S No 22	2·70
Jeroyiti, wet, S. No. 24.	Proprietrix of Anakapalli, Pakamuraguti Atchamma tenant	North, S No. 19; east, S. No. 25; south, S. No. 21, west, S. No. 20	1 63
Inam, wet, S. No. 25.	Dharmala Gurumurty' ..	North and east channel, south, S. No. 21; west, S. Nos 19 and 14.	1 37
Jeroyiti, dry, S. No. 26.	Proprietrix of Anakapalli, Kotha Rameswami, tenant.	North, S No. 14; east, S. No. 27, south, jeroyiti; west, S. Nos 2 and 6.	1 50
Service inam, dry, S. No. 27	Bodapati Veeraya and Suryanarayana.	North, S No. 14, east, inam, south, remaining portion of S. No. 77; west, S. No. 28.	2 78
		Total ..	41 06

Ootacamund, April 29, 1913

Under section 6 of the Land Acquisition Act I of 1894, the Governor in Council hereby declares that the land mentioned in the following schedule and measuring 3·52 acres, be the same a little more or less, is needed for a public purpose, to wit, for the construction of a Salt Inspector's quarters at Chittoor; and, under sections 3 and 7 of the same Act, the Revenue Divisional Officer, Chittoor, is appointed to perform the functions of a Collector under the Act and directed to take order for the acquisition of the said land.

2. A plan of the land is kept in the office of the Revenue Divisional Officer, Chittoor, and may be inspected at any time during office hours.

SCHEDULE.

Description of land, wet or dry, inam or poramboke, with survey or patnam number.	Name of owner or occupier.	Boundaries of the land required to be taken up.	Extent to be taken up.
	Chittoor District, Chittoor taluk, Gandhipalli village.		
Special grant land, S No 311 C.	Thotapalium Doraisami Mudaliyar, Head Accountant, District Board Engineer's Office, Chittoor.	North, S. No. 311 B; east, S. Nos. 309 and 310 A B and C; south, S. Nos. 312, 309 and 306; west, S Nos. 312 and 31.	acs. 3 52

Ootacamund, May 2, 1913.

Under section 6, Act I of 1894, the Governor in Council hereby declares that the land mentioned in the following schedule and measuring ·76 acre, be the same a little more or less, is needed for a public purpose, to wit, for the Forest line house at Kuchaikatti, Nilakkottai taluk, Madura district; and under sections 3 and 7 of the same Act, the Tahsildar of Nilakkottai is appointed to perform the functions of a Collector under the Act and directed to take order for the acquisition of the said land.

2. A plan of the land is kept in the office of the Tahsildar of Nilakkottai and may be inspected at any time during office hours.

SCHEDULE.

Description of land, wet or dry, inam or poramboke, with survey or patnam number.	Name of owner or occupier.	Boundaries of the land required to be taken up.	Extent to be taken up.
	Madura District, Nilakkottai taluk, No 52, Kuchaikatti village		
			acres.
S No 1236 C-1 ..	249, Errakondama Reddi and two others (patadars and enjoyers).	North, No 1238; east, No. 1236 C-1; south, No. 1235 B; west, No. 1240.	67
S No 1236 S ..	No 255, Nerana Reddi and 249, Errakondama Reddi and two others (enjoyers).	South, No. 1235 C-1; east and south, No. 1235 B; west, No. 1240.	5
		Total ..	72 cents or ·74 acre

L. M. WYNCH,
Ag. Secretary to Government.

PUBLIC WORKS DEPARTMENT.

LEAVE.

Ootacamund, April 28, 1913

Under article 280 of the Civil Service Regulations and paragraph 435, Volume I, Army Regulations, India, Sub-Conductor Charles Raul Roy, Supervisor, Second Grade, is granted, with effect from 16th January 1913, combined leave for one year and twenty days, viz., privilege leave for three months and furlough to England on medical certificate for the remaining period.

REPUBLICATION.

Ootacamund, May 2, 1913.

The following extract from the *Gazette of India*, dated 12th April 1913 is republished:—

ARMY DEPARTMENT.

Simla, the 11th April 1913.

* * * * *

PROMOTIONS.

Public Works Department, Madras

No. 813.—Deputy Commissary and Honorary Captain Ernest Price to be Commissary,

Assistant Commissary and Honorary Lieutenant George Ellard Grand to be Deputy Commissary with the Honorary rank of Captain, subject to His Majesty's approval,

Conductor James O'Connor Phelan to be Assistant Commissary with the Honorary rank of Lieutenant, subject to His Majesty's approval,

Sub Conductor Philip Heatos England to be Conductor and Staff Sergeant Thomas Grant to be Sub-Conductor, vice Commissary and Honorary Captain James Ruck, retired; with effect from the 15th January 1913.

C. A. SMITH,
Secretary to Government, P.W.D.

NOTIFICATIONS.

Ootacamund, May 5, 1913.

Under sub-section (1) of section 48 of the Land Acquisition Act, 1894, the Governor in Council hereby withdraws from the acquisition to the extent noted therein of the land shown in the following schedule, which was specified as being required for connecting the Neykuppai tank with the Siruvayalur tank, Neykuppai village, Perambalur taluk, in the schedule appended to the notification published at page 735 of Part I of the *Fort St. George Gazette*, dated 25th July 1911:—

SCHEDULE.

Trichinopoly District, Perambalur taluk, Neykuppai village.

S.F. No.			Extent notified.		S.F. No.			Extent notified.	
				ACRE.					ACRE.
241 B-1	..	..	Wet.	05	235 A ..	..	..	Dry.	·07
241 B-3	..	..	"	·04	246 B .	..	..	"	·05
241 B-4	..	..	"	03					
241 B-2	..	..	"	03				Total ..	35
241 C ..	..	..	"	06					
241 D ..	..	..	"	·03					

F. E. MORGAN,
Under Secy. to Govt., P.W.D. (Irrigation Branch).

Ootacamund, May 5, 1913.

Under sub-section (1) of section 48 of the Land Acquisition Act I of 1894, the Governor in Council is pleased to withdraw from the acquisition of portions of R.S. Nos. 1307, 1308, 1309, 1311 and 1312 in the village of Mylapore in the Madras taluk of the Madras district specified in the notification published at page 200, Part I of the *Fort St. George Gazette*, dated 18th February 1913.

Ootacamund, April 29, 1913.

Under sub-section (1) of section 48 of the Land Acquisition Act I of 1894, the Governor in Council hereby withdraws from the acquisition of 1 acre in S. No. 558-A, of ·08 acre in S. No. 558-B and of ·21 acre in S. No. 558/2 2-B in Tallukulam village, Madura taluk, of the Madura district, specified in the notification published at page 188 of Part I of the *Fort St. George Gazette*, dated 8th February 1910, as required for the construction of Law Courts at Tallakulam.

W. G. MOLESWORTH,
Under Secretary to Government, P.W.D.

ERRATA

Ootacamund, April 30, 1913.

In the heading of the notification, dated 30th October 1911, for the acquisition of lands required for the underground across the Uyyakondan channel published on pages 1051–1052 of Part I of the *Fort St. George Gazette*, dated 7th November 1911, in lines 6 and 7 *for* "Revenue Divisional Officer" *read* "Head-quarters Deputy Collector."

2. In the heading of the notification, dated 2nd March 1912, for the acquisition of lands required for river conservancy purposes published on page 271 of Part I of the *Fort St George Gazette*, dated 6th March 1912, in lines 4 and 9 *for* "Revenue Divisional Officer" *read* "Head-quarters Deputy Collector."

3. In the heading of the notification, dated 14th June 1912, for the acquisition of lands required for constructing pile groynes on the Cauvery left bank published on page 926 of Part I of the *Fort St George Gazette*, dated 18th June 1912, in lines 4 and 8 *for* "Revenue Divisional Officer" *read* "Head-quarters Deputy Collector."

4. In the heading of the notification, dated 4th October 1912, for the acquisition of lands for protecting the Coleroon left bank published on page 993 of Part I of the *Fort St George Gazette*, dated 8th October 1912, in lines 4 and 7 *for* "Revenue Divisional Officer" *read* "Head-quarters Deputy Collector."

5. In the heading of the notification, dated 4th October 1912, for the acquisition of lands required for Coleroon conservancy purposes published on pages 993-994 of Part I of the *Fort St. George Gazette*, dated 8th October 1912, in lines 4 and 6 *for* "Revenue Divisional Officer" *read* "Head-quarters Deputy Collector."

6. In the heading of the notification, dated 30th January 1913, for the acquisition of lands required for strengthening the Cauvery left bank published on page 145 of Part I of the *Fort St. George Gazette*, dated 4th February 1913, in lines 4 and 7 *for* "Revenue Divisional Officer" *read* "Head-quarters Deputy Collector."

H. E. CLERK,
Joint Secy. to Govt., P.W.D. (Irrigation Branch).

ACQUISITION OF LANDS.

Ootacamund, May 5, 1913.

Under section 3, Act I of 1894, His Excellency the Governor in Council hereby declares that the land mentioned in the following schedule and measuring 1·43 acres, be the same a little more or less, is needed for a public purpose, to wit, for constructing the Public Works Department Sub-divisional office at Chicacole; and, under sections 3 and 7 of the same Act, the Sub-Collector, Chicacole, is appointed to perform the functions of a Collector under the Act and directed to take order for the acquisition of the said land.

2. A plan of the land is kept in the office of the Sub-Collector, Chicacole, and may be inspected at any time during office hours.

SCHEDULE.

Description of land, wet or dry, inam or poramboke, with survey or paimash number.	Name of owner or occupier.	Boundaries of the land required to be taken up.	Extent to be taken up.
Ganjam district, Chicacole taluk, Balaga village.			Acs.
Inam, dry, S. No 138-1 E.	Kalajapalli Dakshamurti Pantulu Garu and Sivarama Pantulu Garu	North, No 138-2; east, No. 133, Chinna Bazar road; south, No. 138-1 A; west, No. 138-2.	1·08
Govt., dry, S. No. 138-2.	Do. do	North, No. 138-1; east, No. 133, Chinna Bazar road; south, No. 138-1 E; west, No. 137-2.	·41
		Total .	1·49

Ootacamund, May 1, 1913.

Under section 3, Act I of 1894, His Excellency the Governor in Council hereby declares that the land mentioned in the following schedule and measuring 28 cents, be the same a little more or less, is needed for a public purpose, to wit, for the construction of hut for the Police of Pettai; and, under sections 3 and 7 of the same Act, the Divisional Officer, Tinnevelly, is appointed to perform the functions of a Collector under the Act and directed to take order for the acquisition of the said land.

2. A plan of the land is kept in the office of the Divisional Officer, Tinnevelly, and may be inspected at any time during office hours.

SCHEDULE.

Description of land, wet or dry, inam or poramboke, with survey or paimash number.	Name of owner or occupier.	Boundaries of the land required to be taken up.	Extent to be taken up.
Tinnevelly district, Tinnevelly taluk, Pettai village.			CENTS.
Nattam poramboke (private), S. No. 688.	Minakshisundaram Chettiar ..	North and east, Minakshisundaram Chettiar's land S. No. 689, south, S. No 66 of Narasingamallar; west, Path in S. No 688.	22
Narasingamallar village.			
Dry, S. No. 66 ..	Minakshisundaram Chettiar ..	North, S. No. 688, Pettai, east, south and west, S. No. 66	6
		Total ..	28

Ootacamund, May 3, 1913.

Under section 6, Act I of 1894, His Excellency the Governor in Council hereby declares that the land mentioned in the following schedule and measuring 2·03 acres, be the same a little more or less, is needed for a public purpose, to wit, for the construction of police quarters at Srivilliputtur; and, under sections 8 and 7 of the same Act, the Revenue Divisional Officer, Sattur, is appointed to perform the functions of a Collector under the Act and directed to take order for the acquisition of the said land.

2. A plan of the land is kept in the office of the Divisional Officer, Sattur, and may be inspected at any time during office hours.

SCHEDULE.

Description of land, wet or dry, inam or poramboke, with survey or patnaah number.	Name of owner or occupier.	Boundaries of the land required to be taken up.	Extent to be taken up.
Ramnad district, Srivilliputtur taluk, Srivilliputtur village.			
Dry, S. No 354 A, 2·03 acres out of 3·10 acres.	Shanmuga Nadan and Arumuga Nadan, sons of Santhappa Nadan, are the pattadars. Vendors of 1 acre—Tarmasha-laga Asari, Karuppiah Asari, Ponnian Asari and Nallathan Asari.	North, S. Nos. 345, 346 and the remaining portion of S. No. 354 A, east, S. Nos 353 and 371; south, S. Nos 355 and 356, west, S. Nos. 354 E-1 and E-2.	Acs. 2·03

Ootacamund, May 5, 1913.

Under section 6, Act I of 1894, His Excellency the Governor in Council hereby declares that the land mentioned in the following schedule and measuring 2·10 acres, be the same a little more or less, is needed for a public purpose, to wit, for the construction of quarters for the staff of G-1 Vepery Police Station; and, under sections 3 and 7 of the same Act, Deputy Collector and Collector of Income-tax, Madras, is appointed to perform the functions of a Collector under the Act and directed to take order for the acquisition of the said land.

2. A plan of the land is kept in the office of the said officer and may be inspected at any time during office hours.

SCHEDULE.

Description of land, wet or dry, inam or poramboke, with survey or patnaah number.	Name of owner or occupier.	Boundaries of the land required to be taken up.	Extent to be taken up.
Madras district, Madras taluk, Perumeichcheri village.			
Dry, R.S. No. 742 (part).	Kamakammal ..	North, R.S. Nos 742 (part) and 743, east, R.S. No. 6; south, R.S. Nos 6/1 and 6/2; west, R.S. No. 725.	Acs. 2·10

W. G. MOLESWORTH,
Under Secretary to Government, P. W. D.

Ootacamund, May 1, 1913.

Under section 6, Act I of 1894, His Excellency the Governor in Council hereby declares that the land mentioned in the following schedule and measuring ·34 acre, be the same a little more or less, is needed for a public purpose, to wit, for strengthening the right bank of Srakurmam channel above dam No 5; and, under sections 3 and 7 of the same Act, the Sub-Collector, Chicacole, is appointed to perform the functions of a Collector under the Act and directed to take order for the acquisition of the said land.

2. A plan of the land is kept in the office of the Sub-Collector, Chicacole, and may be inspected at any time during office hours.

SCHEDULE.

Description of land, wet or dry, inam or poramboke, with survey or patnaah number.	Name of owner or occupier.	Boundaries of the land required to be taken up.	Extent to be taken up.
Ganjam district, Chicacole taluk, Santada village.			
Govt., wet, No. 251-8.	Tarapati Suryanarayana ..	North, east and south, No 252; and west, No. 251-9.	Acres. ·34

Ootacamund, April 30, 1913.

Under section 6, Act I of 1894, His Excellency the Governor in Council hereby declares, that the land mentioned in the following schedule and measuring 1·42 acres, be the same a little more or less, is needed for a public purpose, to wit, for excavating a new channel from the Singadivakkam tank to Mummalapatta and Tiruvalpatta lands; and, under sections 3 and 7 of the same Act, the Revenue Divisional Officer is appointed to perform the functions of a Collector under the Act and directed to take order for the acquisition of the said land.

2. A plan of the land is kept in the office of the Revenue Divisional Officer, Chingleput, and may be inspected at any time during office hours.

SCHEDULE.

Description of land, wet or dry, inam or porumboke, with survey or patnam number.	Name of owner or occupier.	Boundaries of the land required to be taken up.	Extent to be taken up.
			acs.
Chingleput district, Conjeeveram taluk, No. 145, Singadivakkam village.			
Ryotwari, dry, No. 516.	Duraiswami Pillai, Veerabhadra Naicken, Murugappa Naicken Perumapa Naicken and Munuswamy Naicken	North, S No 516; east, S No 511, south, S No. 516; west, S No 506	·21
Do No. 511.	Loganatha Modali ..	North, S No 511, east, S No. 516; south, S No. 511, west, S No 516.	·94
Manavari, dry, No. 514.	Do. ..	North, S. Nos 512, 513 and 514; east, S No. 511, south, S No. 515, west, S. No 511.	·38
Do. No. 517-2 & 3.	Venthili and Mangalam	North, S. Nos 518 and 520, east, Mummalapatta village, south, S. No. 517; west, S Nos. 515 and 516	·49
No. 147, Mummalapatta village.			
Ryotwari, dry, No. 155	Pata Mari	North S No 156; east S No 154; south, S No 156, west, Singalpadi village	·14
Do No. 154.	Para Thayi	North, S No 154, east, S. No 153; south S No. 154; west, S No. 155	08
Do No. 153.	Do.	North, S No. 153 east, S No 152-1; south, S No 153; west, S. No 154	·15
Do No. 152-1.	Muhammad Ansar Sahib ..	North, S No. 152-1; west S No. 151, south, S. No. 421; west, S. No. 153.	12
		Total ..	1·43

Ootacamund, May 5, 1913.

Under section 6, Act I of 1894, His Excellency the Governor in Council hereby declares that the land mentioned in the following schedule and measuring ·28 acre, be the same a little more or less, is needed for a public purpose, to wit, for the diversion of Bhyri main channel; and, under sections 3 and 7 of the same Act, the Sub-Collector, Chicacole, is appointed to perform the functions of a Collector under the Act and directed to take order for the acquisition of the said land.

2. A plan of the land is kept in the office of the Sub-Collector, Chicacole, and may be inspected at any time during office hours.

SCHEDULE.

Description of land, wet or dry, inam or porumboke, with survey or patnam number.	Name of owner or occupier.	Boundaries of the land required to be taken up.	Extent to be taken up.
Ganjam district, Chicacole taluk, Kyra village.			acres.
Inam, dry, S. No. 630.	Mirala Sarama and Mirala Lachanna	North, portion of S. No. 648, east, Bhyri main channel; south and west, portion of S. No. 632.	·28

Under section 6, Act I of 1894, His Excellency the Governor in Council hereby declares that the land mentioned in the following schedule and measuring ·28 acre, be the same a little more or less, is needed for a public purpose, to wit, for widening the Coleroon right bank at Suttiyamangalam village; and, under sections 3 and 7 of the same Act, the Divisional Officer, Kumbakonam, is appointed to perform the functions of a Collector under the Act and directed to take order for the acquisition of the said land.

2 This being a case of urgency, the said officer is directed to take possession of the said land under section 17 of the said Act

3 A plan of the land is kept in the office of the Divisional Officer, Kumbakonam, and may be inspected at any time during office hours

SCHEDULE.

Description of land, wet or dry, inam or pesambeke, with survey or puimash number	Name of owner or occupier	Boundaries of the land required to be taken up.	Extent to be taken up.
Tanjore district, Papanasam taluk, Sattiyamangalam village.			
			ACRS.
Dry, S. No. 399 ..	Mutiya alias Veerappan Veerabhadra	North, No. 415; east, No. 401; south, No. 399; west, No. 397 C.	·39

Ootacamund, May 3, 1913.

Under section 6, Act I of 1894, His Excellency the Governor in Council hereby declares that the land mentioned in the following schedule and measuring ·31 acre, be the same a little more or less, is needed for a public purpose, to wit, for constructing a ramp across the main channel of the Nagavalli project in Singaperumalkoil; and under sections 3 and 7 of the same Act, the Tahsildar, Palakonda, is appointed to perform the functions of a Collector under the Act and directed to take order for the acquisition of the said land.

2. A plan of the land is kept in the office of the Tahsildar, Palakonda, and may be inspected at any time during office hours.

SCHEDULE.

Description of land, wet or dry, inam or pesambeke, with survey or puimash number	Name of owner or occupier.	Boundaries of the land required to be taken up	Extent to be taken up.
Vizagapatam district, Palakonda taluk, Singapuram village.			
			ACRS.
Jeruvati wet, S. No. 82 A-2	Kanumalla Gavara Naidu, kanumalla Sonyasi and Mamidi Peniayya.	North S. No. 82 A-1, east S. 82 A-3; south S. No. 82 B; west S. No. 83.	18
Do. No. 82 C-1..	Do. do.	North S. No. 82 B; east S. No. 82 C-2; south S. No. 82 C-2, west S. No. 83	·13
			21

F. E. MORGAN,
Under Secy to Govt., P.W.D. (Irrigation Branch).

LIST OF PAPERS PLACED AT THE DISPOSAL OF THE PRESS

The following list of papers, placed at the disposal of the Press between 28th April and 5th May 1913, is published for general information :—

No. in the list.	Department.	G.O. No. and date.	Subject.
		1913.	
1	Public ..	No. 881, April 14.	Emigration—Fiji.—Recording report of the Protector of Emigrants, Madras, on the Emigrants who returned from Fiji by the S.S. "Ganges." [1 s.]
2	Financial ..	No. 392, April 24	Directing the publication of a notice in an extraordinary issue of the *Fort St. George Gazette* in regard to non-official witnesses in the Madras Presidency who may desire to give evidence before the Royal Commission on Indian Finance and Currency [1 s.]
3	Marine	No. 139, April 8 ..	Budget Estimates.—Sanctioning the — for 1913-14 of the Minor Ports Fund. [4 as.]
4	Educational	No. 227, Mar. 17.	Elementary school buildings.—Sanctioning an expenditure of Rs. 2,200 towards the construction of buildings for certain elementary schools in the Ganjam Agency. [1 s.]
5	Do.	No. 311, Mar. 20	Building grant.—Sanctioning, as a special case and in modification of the previous order on the subject, a grant of Rs. 17,000 towards the cost of construction of a building for the Hindu High School, Ambasamudram. [1 s.]
6	Do. ..	No. 212, Mar. 20	Building grant.—Sanctioning as a special case an additional grant of Rs. 1,402 towards the cost of construction of a building for the St. Mathias' School, Vepery, Madras [1 s.]
7	Do. ..	No. 344, Mar. 22	Building grant.—Sanctioning a grant not exceeding Rs. 7,420 towards the cost of construction of a bathing house, latrine and kitchen for Sao Thome Orphanage, Madras, and of the construction of an upper storey on a portion of the Orphanage building for the use of the boarders of St. Bede's High School, Madras [1 s.]
8	Do ..	No. 349, Mar. 26	Grants-in-aid Code.—Ordering the publication in the *Fort St. George Gazette* of a notification embodying the alterations required in rules 39 and 40 of the — consequent on the delegation of powers to the Inspectors of Schools in the matter of sanctioning building and furniture grants to elementary schools [1 s.]

No. in the list.	Department.	G.O. No. and date.	Subject.
		1913	
9	Educational ..	No. 268, April 1.	Special grants.—Approving the grants of the Director of Public Instruction for the distribution of the — of four lakhs and Rs 30,000 for the equipment of secondary and elementary schools, respectively. [1 s.]
10	Do. ..	No. 297, April 8.	Delegation of powers.—Delegating to the Principal, Government Training School, Rajahmundry, the power of exempting candidates for admission to the school from the age-limit prescribed by rule 134 (2) of the Educational Rules. [1 s.]
11	Local and Municipal	No. 414 L., Mar 11	Budget estimate.—Accepting, with remarks, the — of the Trichinopoly District Board for 1913–14. [1 s.]
12	Do.	No. 466 L., Mar. 18.	Budget estimate.—Accepting, with remarks, the — of the Nellore District Board for 1913–14. [1 s.]
13	Do.	No. 174 M., Jan. 30.	Budget estimate.—Suggesting to the Dindigul Municipal Council for adoption certain alterations in its — for 1913–14 [1 s.]
14	Do.	No. 913 M., Feb. 6	Budget estimate.—Suggesting to the Berhampur Municipal Council for adoption certain alterations in its — for 1913–14. [1 s.]
15	Do.	No. 923 M., Feb. 6.	Budget estimate.—Suggesting to the Nagapatam Municipal Council for adoption certain alterations in its — for 1913–14 [1 s.]
16	Do.	No. 130 M., Feb 7.	Budget estimate.—Suggesting to the Kodaikanal Municipal Council for adoption certain alterations in its — for 1913–14 [1 s.]
17	Do.	No. 244 M., Feb. 8	Budget estimate.—Suggesting to the Palghat Municipal Council for adoption certain alterations in its — for 1913–14. [1 s.]
18	Do.	No. 319 M., Feb 17.	Budget estimate.—Suggesting to the Chidambaram Municipal Council for adoption certain alterations in its — for 1913–14 [1 s.]
19	Do.	No. 325 M., Feb. 18.	Budget estimate.—Accepting, with remarks, the — of the Coonoor Municipality for 1913–14. [2 s.]
20	Do.	No. 327 M., Feb 18.	Budget estimate.—Suggesting to the Ambasamudram Municipal Council for adoption certain alterations in its — for 1913–14 [1 s.]
21	Do.	No. 328 M., Feb. 18.	Budget estimate.—Suggesting to the Tanjore Municipal Council for adoption certain alterations in its — for 1913–14 [1 s.]
22	Do.	No. 330 M., Feb 18.	Budget estimate.—Suggesting to the Karur Municipal Council for adoption certain alterations in its — for 1913–14 [1 s.]
23	Do	No. 347 M., Feb 21.	Budget estimate.—Accepting, with remarks, the — of the Cuddalore Municipality for 1913–14 [1 s.]
24	Do.	Nos. 353-58 M., Feb 21.	General Municipal Review.—Reviewing the reports on the administration of the thirteen municipalities in the Madras Presidency for 1911–12 [16 s.]
25	Do.	No. 356 M., Feb 24	Budget estimate.—Accepting, with remarks, the — of the Ambasamudram Municipality for 1913–14 [1 s.]
26	Do.	No. 407 M., Feb. 25.	Budget estimate.—Accepting, with remarks, the — of the Coimbatore Municipality for 1913–14 [1 s.]
27	Do.	No. 414 M., Feb 26.	Budget estimate.—Accepting, with remarks, the — of the Kumbakonam Municipality for 1913–14 [2 s.]
28	Do.	No. 427 M., Mar 6.	Budget estimate.—Suggesting to the Parlakimedi Municipal Council for adoption certain alterations in its — for 1913–14 [1 s.]
29	Do.	No. 441 M., Mar. 6	Budget estimate.—Accepting, with remarks, the — of the Mannargudi Municipality for 1913–14. [1 s.]
30	Do.	No. 442 M., Mar 6.	Budget estimate.—Accepting, with remarks, the — of the Kumbakonam Municipality for 1913–14. [1 s.]
31	Do.	No. 446 M., Mar. 6	Budget estimate.—Suggesting to the Guntur Municipal Council for adoption certain alterations in its — for 1913–14. [1 s.]
32	Do.	No. 501 M., Mar. 13.	Budget estimate.—Accepting, with remarks, the — of the Tinnevelly Municipality for 1913–14 [1 s.]
33	Do.	No. 502 M., Mar. 13.	Budget estimate.—Accepting, with remarks, the — of the Vizianagram Municipality for 1913–14 [1 s.]
34	Do.	No. 510 M., Mar 13	By-law.—Approving and confirming with a modification the — relating to the control of dogs passed by the Madura Municipal Council and directing its republication in the *Madura District Gazette* [1 s.]
35	Do.	No. 546 M., Mar 17	Budget estimate.—Accepting with remarks, the — of the Pilibit Municipality for 1913–14 [1 s.]
36	Do.	No 547 M., Mar 17.	Budget estimate.—Accepting, with remarks, the — of the Vaniyambadi Municipality for 1913–14 [1 s.]
37	Do.	No. 566 M., Mar. 18	Budget estimate.—Accepting, with remarks, the — of the Gudiyattam Municipality for 1913–14. [1 s.]
38	Do.	No. 571 M., Mar 18	Budget estimate.—Accepting, with remarks, the — of the Masulipatam Municipality for 1913–14. [1 s.]
39	Do.	No. 582 M., Mar 19.	Budget estimate.—Accepting, with remarks, the — of the Tirupati Municipality for 1913–14. [2 s.]
40	Do.	No. 633 M., Mar. 26	Budget estimate.—Accepting, with remarks, the — of the Chingleput Municipality for 1913–14. [1 s.]
41	Do	No 641 M., Mar. 26.	Budget estimate.—Accepting, with remarks, the — of the Walajapet Municipality for 1913–14. [1 s.]

N.B.—A copy of any of the foregoing papers can be obtained, on payment of the price noted against each, on application to the Superintendent, Government Press, Madras.

A. G. CARDEW.
Ag. Chief Secretary.

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No. 18.] MADRAS, TUESDAY EVENING, MAY 6, 1913. [Price, 1 a 4 p.

Part I-A.—Local and Municipal Department.

APPOINTMENTS

Continued, May 6, 1913

No. 663.—In exercise of the power vested in him by section 10 of the Madras District Municipalities Act IV of 1884, the Governor in Council is pleased to appoint Haji Abdul Rahim Sahib Bahadur to be a municipal councillor of the municipality of Vaniyambadi.

No. 664.—In exercise of the power vested in him by section 16 of the Madras District Municipalities Act IV of 1884, the Governor in Council is pleased to appoint Rao Sahib M.R.Ry. Swaminatha Aiyar Vaidyanatha Aiyer Avargal to be a municipal councillor of the municipality of Calicut.

No. 665.—Under section 10 of the Madras District Municipalities Act IV of 1884, M.R.Ry. Chidambara Kandaswami Mudaliyar Avargal has been duly elected as a municipal councillor of the municipality of Mayavaram.

No. 666.—Under section 10 of the Madras District Municipalities Act IV of 1884, M.R.Ry. Endoguri Narasimham Chetti Garu has been duly elected as a municipal councillor of the municipality of Bezhampur.

No. 667.—Under section 16 of the Madras District Municipalities Act IV of 1884, Kurukankandi Kunhamed Sahib Bahadur has been duly elected as a municipal councillor of the municipality of Tellicherry.

No. 668.—Under section 10 of the Madras District Municipalities Act IV of 1884, M.R.Ry. Muttukaruppan Chettiyar Shanmukham Chettiyar Avargal has been duly elected as a municipal councillor of the municipality of Erode.

No. 669.—Under section 10 of the Madras District Municipalities Act IV of 1884, Mr. Joseph Alvares has been duly elected as a municipal councillor of the municipality of Mangalore.

No. 670.—Under section 10 of the Madras District Municipalities Act IV of 1884, M.R.Ry. M. Kannaya Pantulu Garu has been duly elected as a municipal councillor of the municipality of Vizagapatam.

No. 671.—Under section 10 of the Madras District Municipalities Act IV of 1884, M.R.Ry. Jakkinapalli Satyanarayanamurti Pantulu Garu has been duly elected as a municipal councillor of the municipality of Vizagapatam.

No. 672.—In exercise of the power vested in him by section 14 of the Madras District Municipalities Act IV of 1884 the Governor in Council approves of the appointment by election, of M.R.Ry. Chingoran Vittil Gopalan Nayar Avargal as the Vice-Chairman of the municipality of Tellicherry.

No. 673.—In exercise of the power vested in him by section 14 of the Madras District Municipalities Act IV of 1884, the Governor in Council is pleased to appoint M.R.Ry. Arcot Ranganatham Mudaliyar Avargal to be Chairman of the municipality of Hospet.

No. 674.—In exercise of the power vested in him by section 14 of the Madras District Municipalities Act IV of 1884, the Governor in Council approves of the appointment, by election, of M.R.Ry. Kottur Gopala Mudaliyar Srinivasa Mudaliyar Avargal as chairman of the municipality of Mannargudi.

NOTIFICATIONS BY COLLECTORS AND PRESIDENTS OF DISTRICT BOARDS.

No. 675.—Under section 11 of the Madras Local Boards Act, 1884, M.R.Ry. Parameswara Aiyar Anantakrishna Joisar Avargal has been appointed, by election, as a member of the Coimbatore District Board by the Kollegal Taluk Board.

No. 676.—Under section 11 of the Madras Local Boards Act, 1884, M.R.Ry. Duggirala Ramalingaswami Pantulu Garu has been appointed, by election, as a member of the Vizagapatam District Board by the Vizianagram Taluk Board.

No. 677.—Under section 16 of the Madras Local Boards Act, 1884, M.R.Ry Piratla Ananta Sitarama Sastri Garu has been duly elected as a member of the Taluk Board of Narasaraopet in the district of Guntur.

No 678.—Under section 16 of the Madras Local Boards Act, 1884, M.R.Ry Kavdoor Subbaiya Hegade Avargal has been duly elected as a member of the Taluk Board of Coondapoor in the district of South Canara.

No 679.—Under section 16 of the Madras Local Boards Act, 1884, M.R.Ry. Danturli Venkata Chalam Pantulu Garu has been duly elected as a member of the Taluk Board of Parvatipur in the district of Vizagapatam.

No. 680.—Under section 16 of the Madras Local Boards Act, 1884, M.R.Ry V. Andiaraya Aiyar Avargal has been duly elected as a member of the Taluk Board of Tinnevelly in the district of Tinnevelly.

No. 681.—The President, District Board, Malabar, in exercise of the power delegated to him by the Governor in Council under section 160 of the Madras Local Boards Act, 1884, hereby re-appoints the Tahsildar of Calicut to be a member of the Calicut Taluk Board in the district of Malabar.

No. 682.—The President, District Board, Malabar, in exercise of the power delegated to him by the Governor in Council under section 160 of the Madras Local Boards Act, 1884, hereby re-appoints the Tahsildar of Ponnani to be a member of the Palghat Taluk Board in the district of Malabar.

No 683.—The President, District Board, Vizagapatam, in exercise of the power delegated to him by the Governor in Council under section 160 of the Madras Local Boards Act, 1884, hereby appoints the deputy tahsildar of Chipurupalli to be a member of the Vizianagram Taluk Board.

No. 684.—The President, District Board, Coimbatore, in exercise of the power delegated to him by the Governor in Council under section 160 of the Madras Local Boards Act, 1884, hereby appoints M.R.Ry. Pandit Chennamallaya Avargal to be a member of the Kollegal Taluk Board.

No. 685.—The President, District Board, South Arcot, in exercise of the power delegated to him by the Governor in Council under section 160 of the Madras Local Boards Act, 1884, hereby re-appoints M.R.Ry. Diwan Bahadur S. Rm. M. Ramaswami Chettiyar Avargal to be a member of the Chidambaram Taluk Board

No. 686.—The President, District Board, Tanjore, in exercise of the power delegated to him by the Governor in Council under section 160 of the Madras Local Boards Act, 1884, hereby appoints Tirungeswaram Ibrahim Sahib Habibullah Sahib Bahadur to be a member of the Mayavaram Taluk Board.

NOTIFICATIONS.

No. 687.—Under sub-section (1) of section 4-A of the Madras District Municipalities Act, 1884, and in modification of the existing boundaries the Governor in Council hereby declares his intention to alter the limits of the Coonoor municipality by adopting the following boundaries. Any objection or suggestion which may be made in respect of these alterations by any person or persons interested therein should be submitted in writing to Government within six weeks of the publication of this notification in the district gazette :—

Boundaries.

North.—A line from the southern boundary of field No. 37 of Suryaraopeta where it touches the Samalkota canal and running east along the southern boundaries of that field and fields Nos. 43, 54, 55, 51, 97, 96, 93 and 92; then south along the western boundaries of fields Nos. 87, 91, 85 and 82; then east along the southern boundaries of fields Nos. 82, 83, 189 and 139, the southern boundaries of fields Nos 235 and 236, the eastern boundary of field No 236, the southern boundaries of fields Nos. 135 and 135 of Ramanayyapeta, the western boundaries of fields Nos. 125 and 126, the southern boundaries of fields Nos. 126 and 127 and of Suryaraopeta fields Nos. 338 and 336, the western and southern boundaries of field No. 330, the western boundaries of fields Nos. 331 and 327, and the southern boundary of fields Nos. 327, 373, 378, 376, 398 and 396 bordering on the Bay of Bengal.

East.—The Bay of Bengal where the southern boundary of field No. 396 meets it to the north-eastern corner of field No. 181/2 of Turuvoji.

South.—From the last mentioned point the line runs west along the northern boundary of field No. 181, 2 of Turuvoji, the eastern and northern boundaries of field No. 181/1, the northern boundaries of fields Nos. 159 and 155, the eastern and northern boundaries of fields Nos. 134, 133 and 132, the northern boundaries of fields Nos 137, 138 and 128, the eastern, northern and western boundaries of field No 122 2, the northern boundary of field No. 118, the eastern boundary of field No 121, the northern boundary of field No. 121, the eastern and northern boundaries of field No 109, the eastern boundaries of fields Nos 101 and 106, the northern boundary of field No. 87/1 and the eastern boundary of field No. 81 to the point where it meets the salt creek.

West.—From the last mentioned point along the salt creek and Samalkota canal up to the point where the northern boundary commences

No. 688.—Whereas Seshamma, widow of Bhaskara Rao and the surviving proprietrix of the choultry at Alur in the Bellary district known as the "Bhaskara Rao's choultry," has, under section 6 (1) (b) of the Charitable Endowments Act, 1890, made an application for the vesting of the said choultry in the Treasurer of Charitable Endowments, Madras, the Governor in Council, in exercise of his powers under section 4 (1) of the Act, doth hereby order and direct that the said choultry shall vest in the Treasurer of Charitable Endowments for the territories subject to the Government of Madras and be held by him and his successors (subject to the provisions of the said Charitable Endowments Act, and to any rules which may from time to time be framed thereunder by the Governor General of India in Council) upon trust for the purpose and subject to the conditions set forth in a scheme under section 5 of the said Act for the administration of the said property.

Scheme.

Whereas Soshamma, widow of Bhaskara Rao and the surviving proprietrix of the choultry at Alur in the Bellary district known as the "Bhaskara Rao's choultry," has, under section 6 (1) (b) of the Charitable Endowments Act, 1890, made an application for the settlement of a scheme for the administration of the property, the Governor in Council, in exercise of his powers under section 5 (1) of the Act, doth hereby direct that the said property shall be administered by the Taluk Board of Adóni, subject to the following conditions:—

(1) The choultry known as the "Bhaskara Rao's choultry" at Alur shall be in the possession and under the management and control of the Taluk Board of Adóni and be administered for the sole benefit and use of *bonâ fide* travellers arriving at Alur.

(2) Its administration and upkeep shall be a charge on the funds of the Taluk Board.

(3) The said Taluk Board shall appoint a sub-committee consisting of the Tahsildar, the Union Chairman and a resident member of Alur town.

(4) The said Taluk Board shall sanction such establishment as is necessary for the watch and ward of the choultry.

(5) Travellers shall stop in the choultry free of charge for three days only.

(6) The said Taluk Board shall frame rules for the guidance of the committee as to control over the choultry establishment, levy of fees and submission of accounts, etc.

No. 689.—Under clause (i) of section 144 of the Madras Local Boards Act, 1884, the Governor in Council is pleased to make the following amendments to the rules framed for the conduct of elections of members of taluk boards, and published under notification No. 497 at pages 290–308 of Part I-A of the *Fort St. George Gazette*, dated the 13th April 1909, as modified by notifications Nos. 36, 1943, 168 and 602 published respectively at pages 5, 723, 66 and 276 of Part I-A of the *Fort St. George Gazette*, dated 3rd January 1911, 5th December 1911, 30th January 1912 and 15th April 1913:—

(1) Insert the following as clause (8) of rule 9:—"The Collector may, from time to time where due cause is shown, by notification in the gazette of the district concerned, alter the dates prescribed in clauses (1), (3), (4), (5) and (6) above with the exception of the 31st day of July specified in clause (1), provided that the changes made are reported to Government for orders with a brief statement of the reasons necessitating them."

(2) Substitute the words "shall continue in operation until the publication of the next final electoral registers" for the words "shall continue in operation for one year" occurring in rule 9 (7).

(3) Rule 10 shall be omitted.

No. 690.—Under section 23 of the Madras District Municipalities Act IV of 1884, the Governor in Council hereby excludes from the operation of the above-named Act the land mentioned in the following schedule and measuring ·21125 of an acre, be the same a little more or less. From the date of this notification such land will no longer vest in the Coonoor Municipal Council and will re-vest in Government:—

SCHEDULE

Description of land, wet or dry, inam or poramboke, with survey or patmash number.	Name of owner or occupier.	Boundaries of the land to be excluded from the operation of Act IV of 1884.	Extent to be excluded.
Nilgiri district, Coonoor taluk, Coonoor village.			
Govt., dry, S No. D. 14 A (poramboke).	Government, but vested in the Coonoor Municipal Council as a public path.	North, Nos. E 27 and E 27-13, east, No. E 27-4; south, No. D 53-B, C; west, No. D-10	ACRE ·21125

ACQUISITION OF LANDS.

No. 691.—Under section 6 of the Land Acquisition Act, 1894, the Governor in Council hereby declares that the land mentioned in the following schedule and measuring 2 acres, be the same a little more or less, is needed for a public purpose, to wit, for extending the burial-ground at Mangalagiri; and, under sections 3 and 7, the revenue divisional officer, Guntur, is appointed to perform the functions of a Collector under the Act and directed to take order for the acquisition of the said land.

2. A plan of the land is kept in the office of the revenue divisional officer, Guntur, and may be inspected at any time during office hours.

SCHEDULE.

Description of land, wet or dry, inam or poramboke, with survey or patmash number.	Name of owner or occupier.	Boundaries of the land required to be taken up.	Extent to be taken up.
Guntur district, Guntur taluk, Mangalagiri village.			
Ryotwari, dry, D. No. 203 B	Nilam Linguya	North, D. No. 203; east, B Nos. 200 and 201; south, D No. 191; west, D. No. 202 A.	ACS. 2

No. 892.—Under section 6 of the Land Acquisition Act, 1894, the Governor in Council hereby declares that the land mentioned in the following schedule and measuring 117·77 square yards, be the same a little more or less, is needed for a public purpose, to wit, for the opening of a lane to connect the Gooty municipal road and the new road No 2 in the Adoni municipality; and, under sections 3 and 7, the revenue divisional officer, Adoni, is appointed to perform the functions of a Collector under the Act and directed to take order for the acquisition of the said land.

2. A plan of the land is kept in the office of the said revenue divisional officer, Adoni, and may be inspected at any time during office hours.

SCHEDULE

Description of land, wet or dry, inam or poramboke, with survey or puramah number.	Name of owner or occupier.	Boundaries of the land required to be taken up.	Extent to be taken up.
	Bellary district, Adoni taluk, Yangalapuram village, Adoni municipality.		sq. yds.
Village-site, house No 1868 A and village-site poramboke, dry S. No 55	Khaja B., widow of Sowdagar Chanda Sahib.	North, lane, east and south, house No 1867 A; west, house No. 1856 A	26·66
Village-site, house No. 1867 A and dry S. No 55.	Pulari Diwan Sahib ..	North, house No. 1855 A; east, house No. 1867 A; south, house No. 1870 A., west, house No. 1867 A.	31 11
House No. 1870 A and dry S No 55.	Do	North, house No. 1867 A; east, house No 1868 A; south, open space; west, house No. 1870 A.	60 0
		Total ..	117·77

No. 893.—Under section 6 of the Land Acquisition Act, 1894, the Governor in Council hereby declares that the land mentioned in the following schedule and measuring 5·70 acres, be the same a little more or less, is needed for a public purpose, to wit, for the construction of Yemmiganur-Kosigi road, Jalwadi section; and, under sections 3 and 7, the revenue divisional officer, Adoni, is appointed to perform the functions of a Collector under the Act and directed to take order for the acquisition of the said land.

2. A plan of the land is kept in the office of the revenue divisional officer, Adoni, and may be inspected at any time during office hours.

SCHEDULE.

Description of land, wet or dry, inam or poramboke, with survey or puramah number.	Name of owner or occupier	Boundaries of the land required to be taken up	Extent to be taken up.
	Bellary district, Adoni taluk, Yemmiganur village.		acs.
Govt., dry, S. No 409-3	Uligadda Sivaiya ..	North, No. 409-4, east, No. 408, south, Nos 114, 408-1 and 102-2; west, No. 410.	·73
Inam, dry, S. No. 410-2.	Salli Kathish	North, No. 410-3; east, No 408; south, No. 410-1; west, No 411.	·53
Do. No. 411-2.	Do ..	North, No. 411-1; east, No. 410, south, No. 412; west, No. 199	·26
Govt., dry, S. No. 412-2.	Kurshe Naga ..	North, Nos 410 and 111; east, No. 410; south, No. 412-1; west, No. 899.	·53
Do. No. 506-2.	Do	North, No. 505, east, No. 455; south, No 506-1; west, No 801.	·53
Inam, dry, S. No 506-2	Turaka Mimalle Sahib ..	North, No 505-1, east, No. 499; south, No. 505; west, No 507.	·10
Do. No. 507-2.	Hosain Sahib ..	North, No. 507-4, east, No. 506, south, No. 505; west, No. 512.	·26
Do. No. 511-2.	J. Narasinga ..	North, No 513-1; east, No. 509; south, No. 512-2; west, No 512	·42
Do. No. 512-2.	Yapligadu ..	North, Nos. 514 and 513-2; east, Nos 512 and 510; south and west, No. 513-1.	·14
Do. No. 512-2.	J. Narsinga	North, No 512-1; east, No. 511; south, No 512-3, west, Nos. 513 and 516.	·94
Do. No. 511-2.	Yapligadu	North and east, No. 514-2, south, Nos 513 and 516-1; west, No 533.	·45
Do. No. 516-2.	O. Narasingadu ..	North and east, No 516-1; south, No. 512; west, No. 513.	·61
Govt., dry, No. 533-2.	Vaddi Gurramma ..	North, No. 533-1 A; east, No. 533 B, south, No 533 A-2, west, Nagathi boundary	33
Do No. 533 B-2.	M Chandappa and Gangave-pesaram Vade	North, No 533 B-1, east, No 511; south, No 533 B 3; west, Nos. 503 A and 533 B-2.	·21
		Total ..	5 70

No. 894.—Under section 6 of the Land Acquisition Act, 1894, the Governor in Council hereby declares that the land mentioned in the following schedule and measuring 4,754/9 acres, be the same a little more or less, is needed for a public purpose, to wit, for the formation of a conservancy lane in Tiruvallur town; and, under sections 3 and 7, the revenue divisional officer, Tiruvallur, is appointed

to perform the functions of a Collector under the Act and directed to take order for the acquisition of the said land.

2. A plan of the land is kept in the office of the revenue divisional officer, Tiruvallur, and may be inspected at any time during office hours.

SCHEDULE.

Description of land, wet or dry, kism or puramboke, with survey or patnadi number.	Name of owner or occupier.	Boundaries of the land required to be taken up.	Extent to be taken up.
		Chingleput district, Tiruvallur taluk, Tiruvallur village.	Acs
....	N. Krishnamachariyar ..	North, N. Krishnamachariyar's backyard, east, street, south, N. Krishnamachariyar's backyard, west, Jagannatha Pavar's backyard.	2129
....	Do. ..	North and east, N. Krishnamachariyar's backyard; south, backyards of Jagannatha Pavar and Munuswami Dosa; west, N. Krishnamachariyar's backyard	564
....	Jagannatha Pavar ..	North and east, N. Krishnamachariyar's backyard; south, Jagannatha Pavar's backyard; west, Munuswami Dosa' backyard	30744
....	Munuswami Dosa ..	North, N. Krishnamachariyar's backyard; east, Jagannatha Pavar's backyard; south, Munuswami Dosa' backyard, west, Vilvanatha Mudaliyar's backyard	2852
....	Vilvanatha Mudaliyar ..	North, N. Krishnamachariyar's out-house; east, Munuswami Dosa' backyard; south, Vilvanatha Mudaliyar's backyard; west, Jeeval's out-house.	1179
....	Do. ..	North, N. Krishnamachariyar's out-house; east, Vilvanatha Mudaliyar's backyard south Jeeval's out-house; west, P. Ramaswami Chettis backyard.	29
....	Jeeval	North, backyards of Venkatasawmi Chetti and three others and Vilvanatha Mudaliyar; east, Vilvanatha Mudaliyar's backyard, south, Jeeval's backyard, west, backyards of G R A. Rajagopalacharyar and Kalatti Mudaliyar	53312
....	Venkatasawmi Chetti, Chengammal, Raghavulu Chetti and Venkatasawmi Chetti	North, backyards of Venkatasawmi Chetti and three others, east, Vilvanatha Mudaliyar's backyard; south, Jeeval's out-house; west, G. R. A Rajagopalacharyar's backyard	6314
....	Kalattiyappa Mudaliyar	North, G. R. A. Rajagopalachariyar's backyard; east, Jeeval's out-house, south, Kalatti Mudaliyar's backyard, west, G. R. A. Rajagopalacharyar's backyard	1084
....	G. R. A. Rajagopalachariyar.	North, G R A. Rajagopalacharyar's backyard; east, backyards of Venkatasawmi Chetti and three others and Jeeval's out-house, south, backyards of Kalatti Mudaliyar and G R A. Rajagopalachariyar; west, Ammoyi Ammal's backyard	420
..	Do.	North, G R A Rajagopalachariyar's backyard, east, Kalatti Mudaliyar's backyard; south, G R A. Rajagopalachariyar's backyard, west, Ammoyi Ammal's backyard	17312
....	Ammoyi Ammal ..	North, backyards of Thatha Nagaya Chetti, Thakur Sahukari and Tirupatur Zamindar; east, G R A Rajagopalacharyar's backyard, south, Ammoyi Ammal's backyard, west, N Krishnamachariyar's backyard.	555
....	N Krishnamachariyar ..	North, T Nagaya Chetti's backyard; east, Ammoyi Ammal's backyard south, N Krishnamachariyar's backyard, west, D Rangaya Mantri's backyard	305
....	Thatha Nagaiya Chetti ..	North and east, T Nagaya Chetti's backyard, south, N Krishnamachariyar's backyard, west, D. Rangaiya Mantri's backyard	124
....	D. Rangaiya Mantri ..	North, backyards of T Nagaiya Chetti and Batcha Mudali, east backyards of T Nagaiya Chetti and N Krishnamachariyar, south, D. Rangaya Mantri's backyard, west, Batcha Mudali's backyard	48812
....	Batcha Mudali	North, Batcha Mudali's chaultry; east, D Rangaya Mudali's backyard, south, backyards of Raja Lakshmana Dosa, Nellore Duraiswami Nayudu and E Rangaswami Aiyangar, west, backyards of Rangaswami Aiyangar, Narasoji Rao and others	4604
....	Raja Lakshmana Dosa ..	North, Batcha Mudali's backyard; east, Rangaiya Mestria backyard; south and west, Lakshmana Dosa' backyard.	8
....	E Rangaswami Aiyangar	North and east, Batcha Mudali's backyard; south and west, Rangaswami Aiyangar's backyard.	454
....	Narasoji Rao	North, backyards of Narasoji Rao and others; east, Batcha Mudali's backyard; south, Rangaswami Aiyangar's backyard, west, backyards of Sankara Sa and Chinnaswami Sa.	2184
....	Sankara Sa and Chinnaswami Sa.	North, backyards of Sankara Sa and Chinnaswami Sa; east, backyards of Narasoji Rao and others south, Rangaswami Aiyangar's house; west, brindavanam enclosed vacant site.	2594
....	Jeer Abobilam matt, Mannargudi, Tanjore	North, brindavanam enclosed vacant site; east, backyards of Sankara Sa and Chinnaswami Sa, south, Rangaswami Aiyangar's house; west, lank east street	200
		Total ..	4,764.5

A-2

No. 693.—Under section 6 of the Land Acquisition Act, 1894, the Governor in Council hereby declares that the land mentioned in the following schedule and measuring 10·09 acres, be the same a little more or less, is needed for a public purpose, to wit, for the construction of Yemmiganur-Kosigi road; and, under sections 3 and 7, the revenue divisional officer, Adoni, is appointed to perform the functions of a Collector under the Act and directed to take order for the acquisition of the said land.

2. A plan of the land is kept in the office of the revenue divisional officer, Adoni, and may be inspected at any time during office hours.

SCHEDULE.

Description of land, wet or dry, inam or poramboke with survey or patnaik number	Name of owner or occupier	Boundaries of the land required to be taken up	Extent to be taken up
	Bellary district, Adoni taluk, Hanumanmunal village.		ACS.
Govt., dry, S. No. 676-2.	K. Timmappa, Narasappa, Kowlittaya and Jalahgada	North, S. No 678-1, east, S. No. 677, south, S. No 678-3, west, S. No. 673	·61
Do. No. 683-2.	K. Bajarigada Erugadu ..	North, S. No 683-1; east, S No 685, south, S. No 683-3; west, S. No. 677.	·68
Do. No. 684-2.	Do. ..	Do. do	·18
Do. No. 685-2	Kurua, son of Muddader ..	North, S. No 684, east, S. No. 691; south, S. No. 685-1, west, S. No 683	·92
Do. No 691-2.	M. Tippanna	North, S. Nos 691-1 and 692; east, S. No. 693; south, S. No 691-3; west, S No. 685	·70
Inam, dry, S No. 697-2	Do ..	North S. No. 697-1; east S. No. 704, south, S. No 697-3; west, S. No. 688	·68
Do No. 698-2.	Do ..	North, S. No. 698-1; east, S No. 693; south, S. No. 698-2, west, S No 697.	·46
Govt., dry, S. No. 704-2.	Do. ..	North, S. No 705; east and south, S No. 704-3; west, S. Nos 704-1 and 697	·37
Do. No. 705-2.	Do. ..	North, S. No. 705-2; east, S. No. 707; south, S. No. 704, west, S. No. 697	·68
Do No 712-2	Boya Bangarigadu ..	North, S. No. 712-1, east, S. No. 717; south, S. No 707, west, S. No 712-3,	·05
Do. No. 717-2.	Do ..	North, S. No. 717-1; west, S No. 718-1; south, S. No. 736, west, S. No. 712.	·24
Do. No. 118-2.	Boggigadu ..	North, S No 715, east, S. No. 737, south, S. No 736; west, S No. 717.	·82
Do. No. 735-2.	P. Timmanna ..	North, S. No. 736; east, S No. 741, south, S. No. 738-1; west, S No. 737.	·18
Do. Nos. 741 A and 741 C.	Boreddi Adiyappa and Muthaya Somanna.	North, S. No 741 E east, S. No. 767; south, S 741 C; west, S No 738	1·29
Do. No 744-2.	N. Raghavendra Rao, Roshan Mirulla Sahib and Gorkal Aiyappa	North and east, S No. 744-1; south, S. No. 772; west, S. No 748	·99
Do No. 748-2	Banigadu Sapathe	North and east, S No. 744-1; south and west, S No 749.	·05
Do. No. 754 E-2	Boreddi Adiyappa	North, S. No. 753, east, S. No 748, south, S No 754 E-1; west, S. No. 756.	·05
Inam, dry, S No 753-2.	Venkata Shai	North, S No 755-1, east, S No. 754, south, S. No. 756-3, west, S. No 759.	·74
Govt., dry, S. No 754-2.	Boreddi Hanumappa ..	North and east, S. No. 756-1; south, S. No. 760; west, S. No. 757.	·02
Do. No 759-2	Boggigadu	North, S. Nos. 759-1 and 757; east, S. No. 753; south and west, S. No 760-2.	·62
Do. No 772 A-2.	N. Raghavendra Rao, Roshan Mirulla Sahib and Gorkal Aiyappa.	North S. Nos. 744 and 776 A-1; east, Migulthi boundary, south, S. No. 772-3, west, S No. 749	·29
Do. No. 787-2.	Kunati Bhima Reddi ..	North, S No 787-1, east, S. No. 788, south, S. No. 781-3; west, S. No 795.	1·50
		Total ..	10 09

No. 688.—Under section 6 of the Land Acquisition Act, 1894, the Governor in Council hereby declares that the land mentioned in the following schedule and measuring ·24 of an acre, be the same a little more or less, is needed for a public purpose, to wit, for a bridle path within the Coonoor municipality; and, under sections 3 and 7, the revenue divisional officer, Coonoor, is appointed to perform the functions of a Collector under the Act and directed to take order for the acquisition of the said land.

2. A plan of the land is kept in the office of the said revenue divisional office and may be inspected at any time during office hours

SCHEDULE.

Description of land, wet or dry, inam or poramboke, with survey or patnaik number	Name of owner or occupier	Boundaries of the land required to be taken up	Extent to be taken up.
	The Nilgiri district, Coonoor taluk, Coonoor village.		
Govt, dry, path of field No. D 13.	Rev. R. J Ward	North, D. No. 13-A; east, south and west, D. No. 13.	ACRS. ·24

No. 697.—Under section 6 of the Land Acquisition Act, 1894, the Governor in Council hereby declares that the land mentioned in the following schedule and measuring ·85 of an acre, be the same a little more or less, is needed for a public purpose, to wit, for the construction of a slaughter-house in the Vizianagram Cantonment; and, under sections 3 and 7, the revenue divisional officer, Vizianagram, is appointed to perform the functions of a Collector under the Act and directed to take order for the acquisition of the said land.

2. A plan of the land is kept in the office of the revenue divisional officer, Vizianagram, and may be inspected at any time during office hours.

SCHEDULE.

Description of land, wet or dry, inam or poramboke, with survey or patnaik number.	Name of owner or occupier.	Boundaries of the land required to be taken up.	Extent to be taken up
	Vizagapatam district, Vizianagram taluk, Kunepalu village.		
Jeeyiti, dry, S. No. 7-1.	Owner, Raja of Vizianagram; occupier, Gorrahandi Krishnamurti, being minor, mother and guardian Bangaramma.	North, S Nos 1d and 8, east, S. No. 8 and Malapeta house, south, S. No. 7-2; west, road to Gajapatinagram.	Acre. ·61
Jeeyiti, wet, S. No. 9-2.	Owner, Raja of Vizianagram; occupiers, (1) Gorrahandi Krishnamurti, being minor, mother and guardian Bangaramma, (2) Yellamanaidi Narayya and (3) Bare Rama Swami.	North, S. No. 9-1; east, S Nos. 9-3 and 9-4; south, S. No. 8; west, S. No. 10.	24
		Total ..	·85

No. 698.—Under section 6 of the Land Acquisition Act, 1894, the Governor in Council hereby declares that the land mentioned in the following schedule and measuring 5·83 acres, be the same a little more or less, is needed for a public purpose, to wit, for the construction of the Yemmiganur-Kosigi road, Jalwadi section; and, under sections 3 and 7, the revenue divisional officer, Adoni, is appointed to perform the functions of a Collector under the Act and directed to take order for the acquisition of the said land.

2. A plan of the land is kept in the office of the revenue divisional officer, Adoni, and may be inspected at any time during office hours.

SCHEDULE.

Description of land, wet or dry, inam or poramboke, with survey or patnaik number.	Name of owner or occupier.	Boundaries of the land required to be taken up.	Extent to be taken up
	Bellary District, Adoni taluk, Kagatti village.		
Gova, dry, S. No. 99-3.	M. Somanna	North and east, No. 99-1, south, No. 100, west, Hiremaravani boundary	Acre. ·12
Do No. 100-2.	Do	North, No. 100-1, east, No. 105, south, No. 103-3; west, Hiremaravani boundary.	·79
Do. No. 103-2.	Do.	North and east, No 103-3, south, No. 103-1; west, Nos. 100 and 101.	·42
Do. No. 103-1.	K. Govindappa	North, No. 103-2, east, No. 113; south, No. 113, west, No. 106.	·08
Do. No. 112-2	M. Somanna	North, No 112-1; east, Nos. 122 and 120; south, No. 112-2; west, No. 113.	·80
Do. No. 120-1	Do.	North, No 112; east, No. 121; south, No. 120-2; west, No 212	·22
Do. No. 123-1.	C. Ramulu, Nanniganlu and K. Ramulu.	North, No. 123-2, east, Yemmiganur boundary, south and west, No 122.	1 34
		Total ..	5·83

No. 699.—Under section 6 of the Land Acquisition Act, 1894, the Governor in Council hereby declares that the land mentioned in the following schedule and measuring 5·81 acres, be the same a little more or less, is needed for a public purpose, to wit, for the construction of Yemmiganur-Kosigi road; and, under sections 3 and 7, the revenue divisional officer, Adoni, is appointed to perform the functions of a Collector under the Act and directed to take order for the acquisition of the said land.

2. A plan of the land is kept in the office of the revenue divisional officer, Adoni, and may be inspected at any time during office hours.

SCHEDULE.

Description of land, wet or dry, inam or poramboke, with survey or patnath number	Name of owner or occupier.	Boundaries of the land required to be taken up.	Extent to be taken up.
	Bellary district, Adoni taluk, Jalawadi village.		
			Acs.
Govt., dry, S. No. 38-2.	Yeddala Ramva . .	North, S. No. 38-1, east, Kumbadakal boundary; south, S. No. 68-3; west, S. No. 66.	·42
Do No. 39-2.	Do	North, S. No. 39-1; east, S. No. 39; south, S. No. 39-3; west, S. No. 40.	·16
Inam, dry, S. No. 63-2.	Talari Maogunna and three others.	North, S. No. 51; east, S. No. 40; south, S. No. 63-1; west, S. No. 78.	·83
Govt., dry, S. No. 64-2.	Rangaraja	North, S. No. 64-1; east, S. No. 65; south, S. No. 63; west, S. No. 78.	·65
Do. No. 25-2.	Kannam Venkoba Rao . .	North, S. No. 65-1; east, S. No. 40; south, S. No. 83; west, S. No. 84.	·77
Do No. 96-1.	Do.	North, S. No. 96; east, S. No. 96-1; south, S. No. 73; west, S. No. 98.	·11
Do. No. 99-1.	Appi Reddi Sanappa	North, S. No. 103; east, S. No. 98; south, S. No. 100; west, S. No. 99-1.	·04
Do. No. 100-2.	Do.	North, S. No. 98; east, S. No. 98; south and west, S. No. 100-1.	·07
Do No. 104-3.	Doddumakala Lakshma . .	North, S. No. 106; east, S. No. 104; south and west, S. No. 107.	·92
Do. No. 104-5.	Do. . ..	North and east, S. No. 104; south and west, S. No. 109.	·93
Do. No. 104-6	Do. ..	North and east, S. No. 104-1; south, S. No. 102; west, S. No. 104-8.	·91
Do. No. 105-2	Narasi Reddi	North and east, S. No. 107; south and west, S. No. 105-1.	·92
Do No. 106-2	Yeddula Ramva	North, S. No. 107; east, S. No. 103; south and west, S. No. 106-1.	·94
Inam dry, S. No. 106-2.	Narayanappa	North and east, S. No. 106-2; south, S. No. 107; west, S. No. 261.	·12
Govt., dry, S. No. 252 B-2.	Kuruba Lakshmakka	North, S. No. 253 B-2; east, S. No. 261, south, S. Nos. 252 and 249 B; west, S. No. 260.	·77
Inam, dry, S. No. 261	Kannam Venkoba Rao ..	North, S. No. 261-1; east, S. No. 277, south, S. Nos. 277 and 274; west, S. No. 273.	·30
Govt., wet, S. No. 272 A-2.	Do	North, S. No. 272 A-3; east, S. No. 273, south, S. No. 272-1; west, S. No. 264.	·23
Govt., dry, S. No 273-2	Mangala Easyya	North, S. No. 273-1; west, S. No. 261; south, S. Nos. 272 and 274, west, S. No. 272.	·25
Inam, dry, S. No. 274-2.	Kantam Venkoba Rao ..	North, S. No. 261, east, S. No. 277; south and west, S. No. 274-1.	·11
Govt., dry, S. No. 280-1	Pamanna Gowd . .	North, S. No. 280, east, south and west, S. No. 280-1	·17
Do. No. 277 B	Bhima Reddi	North and east, S. No. 280 B; south, S. No. 277 A; west, S. No 274-2.	·14
		Total ..	5 21

No. 730.—Under section 6 of the Land Acquisition Act, 1894, the Governor in Council hereby declares that the land mentioned in the following schedule and measuring ·0232 of an acre, be the same a little more or less, is needed for a public purpose, to wit, for widening the Dabir East street in the Kumbakonam municipality; and, under sections 3 and 7, the revenue divisional officer, Kumbakonam, is appointed to perform the functions of a Collector under the Act and directed to take order for the acquisition of the said land.

2. A plan of the site is kept in the office of the said revenue divisional officer and will be available for inspection during office hours.

SCHEDULE.

Description of land wet or dry, inam or poramboke with survey or patnath number.	Name of owner or occupier.	Boundaries of the land required to be taken up	Extent to be taken up.
	Tanjore district, Kumbakonam taluk, Kumbakonam Patnam.		
			Acres.
Personal Inam, dry, T. S. No. 706.	Ekambara Aiyar	North, No. 737; east, No. 738; south, No. 674; west, No 705.	·0060
Do. No 707.	Natesa Sastri ..	North, No. 706; east, No. 738; south, No. 705; west, No 707.	·0048
Do. No. 706.	Bahadora Sastri	North, No. 709; east, No. 738; south, No. 707; west, No. 705.	·0060
Do. No. 709	Sivarama Sastri ..	North, No. 710; east, No 738; south, No 708; west, No. 706	·0061
		Total .	0232

L. DAVIDSON,
Ag. Secretary to Government.

Plague.

NOTIFICATIONS.

Ootacamund, May 6, 1913.

No. 126-P.—Whereas the Governor in Council is satisfied that there is danger of an outbreak of plague at Kanneeri in the Sattur taluk of the Ramnad district if persons from the infected portions of the Anantapur, Bellary, Coimbatore, Cuddapah, North Arcot and South Canara districts, the Mysore State and other parts declared to be infected with plague are permitted to visit that place on the occasion of the ensuing Chinnakesava Perumal festival and Cattle fair:

In exercise of the powers delegated to him under the Epidemic Diseases Act, 1897, the Governor in Council prohibits the attendance at said festival or fair from the 16th May to 14th June 1913, inclusive, of persons from the said parts and further directs that between the said dates no tickets to travel by railway shall be sold at the stations of Mangalore, Coimbatore, Podanur, Singanallur, Tudiyalur, Madukarai, Tottipalaiyam, Kogankarai, Perunkandhi, Periagarai, Tirappattur, Vellore Fort, Vellore Cantonment and Kaniyambadi on the South Indian Railway, the stations of Gudupalli, Kuppam, Mulanur, Patchur, Jolarpet, Kethandapatti, Mailpatti, Velattur, Gudiyattam, Kavanur, Virinchipuram, Latteri, Katpadi, Bommasamudram, Hospet, and Gadiganuru on the Madras and Southern Mahratta Railway for the stations of Tiruvangalam, Sivanakottai, Kallgudi, Kokkulanjeri, Viradappatti, Sulukkarai, Talakkapatti, Vappalipatti, Chettram Sattur, Nalli and Koyilpatti on the South Indian Railway to any person intending or believed to be intending to be present at the said festival or fair.

All persons proceeding to the said festival or fair in contravention of this notification will be turned back.

No. 127-P.—Whereas the Governor in Council is satisfied that there is danger of an outbreak of plague at Chidambaram in the Chidambaram taluk of the South Arcot district, if persons from the infected portions of the Anantapur, Bellary, Coimbatore, Cuddapah, North Arcot and South Canara districts, the Mysore State, the Bombay Presidency and other parts declared to be infected with plague, are permitted to visit that place on the occasion of the ensuing Ani Tirumanjanam festival

In exercise of the powers delegated to him under the Epidemic Diseases Act, 1897, the Governor in Council prohibits the attendance at the said festival from the 23rd June to 9th July 1913, inclusive, of persons from the said parts and further directs that between the said dates no tickets to travel by railway shall be sold at the stations of Mangalore, Podanur, Coimbatore, Singanallur, Tudiyalur, Madukarai, Tottipalaiyam, Kogankarai, Perunkandhi, Periagarai, Tirappattur, Vellore Fort, Vellore Cantonment and Kaniyambadi on the South Indian Railway and the stations of Gudupalli, Kuppam, Mulanur, Patchur, Jolarpet, Kethandapatti, Mailpatti, Velattur, Gudiyattam, Kavanur, Virinchipuram, Latteri, Katpadi, Bommasamudram, Hospet and Gadiganuru on the Madras and Southern Mahratta Railway, for the stations of Alapakkam, Panruchabram, Porto Novo, Kilar, Chidambaram, Vallam Padugai, Colcroon, Avasur and Shiyali on the South Indian Railway, to any person intending or believed to be intending to be present at the said festival.

All persons proceeding to the said festival in contravention of this notification will be turned back.

Ootacamund, May 8, 1913.

No. 128-P.—In modification of notification No. 123-P., published on pages 303–305 of Part I-A of the *Fort St. George Gazette*, dated 29th April 1913, the following revised list of plague-infected areas and of passport stations are published :—

A.—PLAGUE-INFECTED AREAS.

I.—In the Madras Presidency.

District.	Taluk.	Village or town.	District.	Taluk.	Village or town.
Anantapur.	Hindupur.	Berikahalli. Hindupur.	North Arcot.	Gudiyattam.	Gudiyattam. Kanigeri. Pannandangi. Peranampattu.
Bellary ..	Hospet ..	Chittawadigi. Hospet.		Tirappattur	Annandapatti. Tirappattur.
Coimbatore.	Coimbatore	Coimbatore. Kurichchi Ramanadapuram.		Vellore ..	Palikondai. Vellore.
	Kollegal ..	Kollegal. Mangalam.			
	Udumalpet	Kumaralingam Selleppampalaiyam.	South Canara.	Mangalore ..	Mangalore.

II.—Outside the Madras Presidency.

Presidency or Province.	Infected localities. Districts and States, and Towns of 50,000 or more inhabitants.
I. Mysore ...	The whole province.
II. Bombay.	1. *Northern Division*— (*a*) District— Surat (*b*) Towns and ports— Bandra. Bassein. Bhiwndi. Bombay. Bulsar. Chinchani. Madh. Thana. (*c*) State and Agency— Rewa Kantha Agency. 2. *Central Division*— (*a*) Districts— East Khandesh. Poona. Satara (*b*) Town— Poona. 3. *Southern Division*— (*a*) Districts— Belgaum. Bijapur. Dharwar. Kolaba. Ratnagiri. (*b*) Towns and ports— Alibag. Habb. Vengurla. 4. *Sind*— Town and port— Karachi. 5. *Political Charges*— (*a*) States and Agencies— Baroda State. Cutch State. Janjira State. Kathiawar Agency. Kolhapur and Southern Mahratta country. (*b*) Town and Port— Aden.
III. Bengal.	(*a*) Districts— Birbhum. Bardwan. Hooghly. Howrah (*b*) Towns— Calcutta. Howrah. 24 Parganahs.
IV. Bihar and Orissa.	(*a*) Districts— Bhagalpur. Champaran. Darbhanga. Gaya. Manbhum. Monghyr Muzaffarpur. Patna. Santhal Parganahs. Saran. Shahabad. (*b*) Towns— Bhagalpur. Gaya. Patna.
V. The Punjab.	(*a*) Districts— Ambala. Amritsar. Ferozepore. Gujranwalla. Gujrat. Gurdaspur. Hissar. Hoshiarpur. Jhang. Jhelum. Jullandar. Karnal. Lahore. Ludhiana. Lyallpur. Rawalpindi. Rohtak. Sialkot. (*b*) Towns— Amritsar. Lahore. Patiala. (*c*) States— Jind. Kapurthala. Nabha. Putandi. Patiala.
VI. Burma.	(*a*) Districts— Amherst. Bassein. Bhamo. Insein. Manbin. Meiktila. Myaungmya. Pegu. Prome. Pyapon Tharrawady. Thaton. Toungoo. (*b*) Towns and ports— Bassein. Moulmein. Rangoon.
VII. Rajputana.	Alwar State. Bharatpur State. Jaipur City. Jaipur State.
VIII. The United Provinces.	(*a*) Districts— Aligarh. Allahabad. Azamgarh. Balia Bahraich Bara Banki. Bareilly. Basti. Benares. Bijnor. Budaun. Bulandshahr. Cawnpore. Etah. Farukhabad. Fyzabad. Fatehpur. Ghazipur. Gonda. Gorakhpur.

II.—Outside the Madras Presidency—cont.

Presidency or Province.	Infected localities. Districts and States, and Towns of 50,000 or more inhabitants	Presidency or Province.	Infected localities. Districts and States, and Towns of 50,000 or more inhabitants
VIII. The United Provinces —*cont.*	(*a*) Districts—*cont.* Gorgaon. Hardoi. Jalaun. Jaunpur. Jhansi. Kheri. Lucknow Mainpuri Meerut. Mirzapur. Moradabad. Mutra Muzaffarnagar. Naini Tal. Partabgarh. Pilibhit. Rae Bareli Saharanpur. Shahjahanpur Sitapur. Sultanpur. Unao. (*b*) Towns— Allahabad. Bareilly. Cawnpore. Farrukhabad. Fyzabad. Lucknow Meerut. Mirzapur.	VIII. The United Provinces —*cont.*	(*b*) Towns—*cont.* Muttra. Saharanpur. Shahjahanpur.
		IX. Hyderabad State.	Districts— Aurangabad. Gulbarga. Mahbubnagar. Medak. Nalgonda. Nander. Raichur.
		X. Central Provinces.	(*a*) Districts— Akola. Bandara. Jubbulpore. Nagpur. Yeotmal (*b*) Towns— Bandara. Dhamo.
		XI. Central India.	Barwani State Bhopal State.
		XII. Delhi	Delhi City. Delhi Rural area.
		XIII. Kashmir.	Jammo Province.

B.—PASSPORT STATIONS.

South Indian Railway.

Mangalore. Coimbatore. Podanur. Singanallur. Tudiyalur.	Madukarai. Kagankarai. Periakandili. Peragaram. Tiruppattur.	Vellore Fort. Vellore Cant. Kaniyambadi

Madras and Southern Mahratta Railway.

Gudugalli. Koppam. Mulakur. Pathur Jalarpet.	Kothandapatti. Mailpatti. Velalur. Gudiyattam. Kavanur.	Virinchipuram. Latteri Kutpadi. Bommasamudram.	Hospet. Gadiganuru.

2. Persons arriving from the places above mentioned should be required to take out passports. Careful attention should be given to the instruction contained in G.O. No. 632-P., dated 31st May 1909.

Ootacamund, May 6, 1913.

No. 129-P.—Whereas the Governor in Council is satisfied that there is danger of an outbreak of plague at Hampi in the Hospet taluk of the Bellary district if persons from the infected portions of the Bellary district, the Hyderabad State and other parts declared to be infected with plague are permitted to visit that place on the occasion of the ensuing Somappa Car festival:

In exercise of the powers delegated to him under the Epidemic Diseases Act, 1897, the Governor in Council prohibits the attendance at the said festival from the 8th to 24th May 1913, inclusive, of persons from the said parts.

All persons proceeding to the said festival in contravention of this notification will be turned back.

L. DAVIDSON,
Ag. Secretary to Government.

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Reg. No. L.—M

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Part I-B.—Educational Department.

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NOTIFICATIONS BY GOVERNMENT.

APPOINTMENT.

Octacamund, April 28, 1913.

No. 55.—M.R Ry Sundur Vaidyam Melagiri Rao, Assistant Inspector of Schools, Bellary district, in the first grade of the Subordinate Educational Service, to act in the ninth grade of the Provincial Educational Service, during the absence of M.R Ry M. Rameswami Ayangar Avargal on leave or until further orders.

NOTIFICATIONS.

Fort St. George, April 9, 1913.

No. 56.—Under the Indian Universities Act, 1904, section 10, the Chancellor of the University of Madras is pleased to nominate the following gentleman to be an Ordinary Fellow of the Madras University :—

The Rev. William Skinner, M.A., D.D.

Octacamund, May 3, 1913.

No. 57.—Mr. Herbert Spencer Duncan, M.A., has resigned his Ordinary Fellowship of the Madras University with effect from 20th April 1913 under the Indian Universities Act, 1904, section 11, sub-section (1).

Octacamund, May 3, 1913.

No. 58.—Mr. Henry John Allen, M.A., Bar.-at-Law, having resigned his office as an Ordinary Fellow of the Madras University with effect from 16th April 1913, becomes an Honorary Fellow under section 13 (1), clause (c) of the Indian Universities Act, 1904 (Act VIII of 1904).

Fort St. George, February 24, 1913.

No. 59.—The Governor in Council is pleased to sanction the following syllabuses of the Government technical examination in tailoring in the place of the syllabuses hitherto in force:—

Government Technical Examinations.

TAILORING—ELEMENTARY GRADE.

Trousers.

To make a pair of sleeping pyjamas. To baste ready for try on a pair of trousers. To make a pair of trousers with fly fronts and either side, cross, hip, or fob pockets; also any other work of this nature which the examiners may select.

	Maximum.	Minimum for passing. First class.	Second class.
Marks	100	65	45

Body Garments.

To baste ready from try on waist-coats of any fashion. To make sleeping jackets. Waist-coats with no collar, or roll and step, with plain welts or with flap to pockets. Drill jackets with stand collar, and outside patch pockets; also any other work of this nature which the examiners may select.

	Maximum.	Minimum for passing. First class.	Second class.
Marks	100	65	45

Cutting.

To draft by system the method and division of parts, which must be clearly marked upon the paper patterns submitted for examination from measurements furnished, the following:—

Spats or gaiters. Sleeping pyjamas. Knicker-bockers. Civil and military trousers. Breeches. Pantaloons. Jodpurs and ladies' trousers and breeches.

	Maximum.	Minimum for passing. First class.	Second class.
Marks	100	65	45

Note.—In order to pass a candidate must obtain the minimum marks in each subject in any examination and to pass in the first class the minimum for that class in each subject.

No candidate need appear for a second time in any subject in which he has passed, but he may do so with a view to obtaining a first class certificate.

TAILORING—INTERMEDIATE GRADE.

Trousers.

To make a pair of trousers, with french bearers, and whole or split fall fronts. To make a pair of knicker-bockers, with various styles of knee bands, and baste a pair of breeches or pantaloons ready for try on; also any other work of this nature which the examiners may select.

	Maximum.	Minimum for passing. First class.	Second class.
Marks	100	65	45

Body Garments.

To baste ready for try on jackets of all description. To make waist-coats with bound or cloth edges, either single or double breasted, dress vests, clerical vests, sleeve vests, military patrols, vests, and mess jackets, with stand or roll collar. Lounges. Reefers. Norfolk jackets with Prussian collars, lined and unlined. Native long coat; also any other work of this nature which the examiners may select.

	Maximum.	Minimum for passing. First class.	Second class.
Marks	100	65	45

Cutting.

To draft by system the method and division of parts, which must be clearly marked upon the paper pattern submitted for examination from measurements furnished, the following:—

Waist-coats of all descriptions, drill jackets. Lounges. Reefers. Norfolk jackets. Military patrol, or mess jacket. Shooting jackets. Dressing gown and Chesterfields. To show economy in cutting by preparing lays on paper furnished and marking inlays on same.

	Maximum.	Minimum for passing. First class.	Second class.
Marks	100	65	45

Note.—In order to pass a candidate must obtain the minimum marks in each subject in any examination and to pass in the first class the minimum for that class in each subject.

No candidate need appear for a second time in any subject in which he has passed, but he may do so with a view to obtaining a first class certificate.

TAILORING—ADVANCED GRADE

Trousers.

To make spats or gaiters, military trousers for both mounted and dismounted men, ladies' riding trousers. Gents' riding breeches, with or without continuation. Jodpurs with split or whole fall fronts, military pantaloons, etc.

	Maximum	Minimum for passing. First class	Second class.
Marks	100	65	45

Body Garments.

To baste ready for try on coats of all descriptions. To make up dressing gowns, overcoats, over-coats, Raglan's, Gents' Inverness, Chesterfields, flat-braided, morning-coats, frock-coats dress coats with inside or outside pleat pockets. Hunting-coats. Military tunics. Also ladies' skirts and jackets, etc.

	Maximum.	Minimum for passing. First class.	Second class.
Marks	100	65	45

Cutting.

1. To draft by system the method and division of parts, which must be clearly marked upon the paper patterns submitted for examination from measurements furnished, the following :—

Morning-coats. Frock-coats. Dress coats. Robes. Military tunics. Ladies' skirts and jackets. And any other tailor-made garments.

2. To explain the cause of defects and the remedies of all tailor-made garments, the use of inlays, etc.

Marks	Maximum.	Minimum for passing. First class.	Second class.
Written examination	40	28	17
Practical examination	100	67	33
Total ..	140	94	50

Note.—In order to pass a candidate must obtain the minimum marks in each subject in any examination and to pass in the first class the minimum for that class in each subject.

No candidate need appear for a second time in any subject in which he has passed, but he may do so with a view to obtaining a first class certificate.

Fort St. George, March 25, 1913.

No. 60.—Add the following to rule 69 of the Grant-in-Aid Code "and grants to elementary schools up to Rs. 50 by the Inspectors of Schools within the allotment assigned by the Director for the circle."

Add the following after "(3) acquiring land for school or hostel purposes" to rule 50 of Chapter VIII of the code as revised in notification No. 38, dated 1st May 1912 :—

"Building grants up to a limit of Rs. 100 may be sanctioned by the Inspector within the allotment assigned by the Director for the circle."

Ootacamund, April 24, 1913.

No. 61.—Under section 21, sub section (4) of the Indian Universities Act, 1904, the Governor in Council is pleased to sanction the further affiliation to the University of Madras of the Madras Christian College in Branch I—Mathematics—of the B.A. (Honours) degree course.

L. DAVIDSON,
Ag. Secretary to Government.

MISCELLANEOUS NOTIFICATIONS.

MADRAS MEDICAL ENTRANCE EXAMINATION—MAY 1913.

EXAMINATION OF CANDIDATES FOR THE GRADES OF "CIVIL MEDICAL PUPIL," "NATIVE MILITARY PUPIL" AND "MADRAS-BURMA SUB-ASSISTANT SURGEON PUPIL"—1913

Candidates who have applied for the ensuing Competitive Examination for admission to the grades of "Civil Medical Pupil," "Native Military Pupil" and "Madras-Burma Sub-Assistant Surgeon Pupil," respectively, are informed that the examination will be held on the date mentioned below:—

"CIVIL MEDICAL PUPIL," "NATIVE MILITARY PUPIL" AND "MADRAS-BURMA SUB-ASSISTANT SURGEON PUPIL'S" GRADES.

Day	Hours.	Subjects.
Thursday, 15th May	10 A.M. to 12-30 P.M. 12-45 to 1-31 P.M.	English Grammar and Composition. Translation.

2. The examination will be held at the following centres and will be superintended at each centre by the Medical Officer whose address is entered opposite to it:—

Station	Designation of Superintendent.
Bangalore	Residency Surgeon, Bowring Civil Hospital, Bangalore.
Bezhampar	District Medical and Sanitary Officer, Rajahmundry, Bezhampar.
Calicut	District Medical and Sanitary Officer, Malabar.
Cannanore	Civil Surgeon, Cannanore.
Coconada	District Medical and Sanitary Officer, Godavari.
Cochin	Civil Surgeon, Cochin.
Coimbatore	District Medical and Sanitary Officer, Coimbatore.
Guntur	District Medical and Sanitary Officer, Guntur.
Kurnool	District Medical and Sanitary Officer, Kurnool.
Madras	Senior Medical Officer, General Hospital, Madras
Madura	District Medical and Sanitary Officer, Madura.
Mangalore	District Medical and Sanitary Officer, Mangalore.
Masulipatam	District Medical and Sanitary Officer, Kistna.
Palamcottah	District Medical and Sanitary Officer, Palamcottah.
Rajahmundry	Civil Surgeon, Rajahmundry
Tanjore	District Medical and Sanitary Officer, Tanjore.
Tellicherry	Civil Surgeon, Tellicherry.
Trichinopoly	District Medical and Sanitary Officer, Trichinopoly.
Vizagapatam	District Medical and Sanitary Officer, Vizagapatam.

Note.—There will be no competitive examination for the grade of "Native Military Pupil." Those who have applied for this grade will be selected without competition.

Candidates are requested to apply to the respective Superintendents for any further information they may require.

3. The examination of the Madras candidates will be held at the MADRAS MEDICAL COLLEGE.

4. Candidates desirous of having any of the certificates submitted by them with their applications returned to them should apply for such certificates on or after the 1st AUGUST NEXT TO THE PERSONAL ASSISTANT TO THE SURGEON-GENERAL WITH THE GOVERNMENT OF MADRAS to whom all the applications with their enclosures will be forwarded by this office along with the results as usual.

5. Attention is drawn to the following rules:—

(1) No candidate will be allowed to enter the examination room unless he wears a clean and decent dress, and, in all cases where good manners require it, a suitable covering for the head nor will he be allowed to keep his shoes on unless they are shoes of English pattern, and socks and trousers are worn also

No candidate suffering from any contagious disease will be admitted to the examination room.

(2) No candidate will be allowed to quit the examination room until the expiration of half an hour from the time fixed for the commencement of the examination, and candidates arriving after the expiration of that half hour will not be admitted.

(3) No candidate will be allowed to re-enter the examination room during the hours of examination after once quitting it, nor to leave the room without finally giving up his answer papers.

(4) Any candidate detected in speaking to, or in any way communicating with, any other candidate will be at once removed from the room and the circumstance reported to the Commissioner.

(5) Any candidate suspected of having had recourse to malpractice of any kind is liable to have his examination invalidated and also to be debarred from appearing again for any of the examinations under the control of the Commissioner for such term of years as the Commissioner may think fit; or, *if the Commissioner is not satisfied as to the trustworthiness of his results* he may be required to undergo a re-examination in any one or more of the subjects of examination for which he appeared.

(6) *No candidate will, on any account, be allowed to take into the examination room slates, books, manuscripts or papers of any kind.* Any one detected in the violation of this rule or having recourse to any unfair practices will be removed from the room, and the occurrence reported to the Commissioner.

(7) Candidates whose names are not in the printed list furnished to the Superintendents must submit a written declaration through the Superintendents, giving full particulars in regard to themselves and furnish such evidence as may be possible of their having applied for admission to the examination at the proper time and paid the prescribed fees. The answer papers of such candidates will not be valued unless it is clear that the omission of their names is due to no fault of theirs.

(8) Candidates choosing to change their place of examination without previous permission, or appearing at any centre other than the one at which they ought to have appeared according to the notice published in the Gazette, must not expect to have their papers valued or their results published. In all cases where permission has been granted, the memorandum or letter permitting the change should be produced for the satisfaction of the Superintendents.

(9) A candidate having completed his paper will rise from his seat and remain standing until the Superintendent takes his answer papers. Any candidate wishing to ask any question of the Superintendent will pursue the same course, but will on no account leave his place.

(10) Any papers sent up without the candidate's name and number affixed will not be valued.

(11) Candidates will not be allowed to take any papers, except their question papers, out of the examination room.

(12) Candidates are forbidden to tear up papers or to throw ink or papers on the floor. All "spoilt copies, etc.," should be left on the desk where the candidate has been writing.

(By order.)

Office of the Comr. for Govt. Examinations,
Madras, 3rd May 1913

G. MADDOX,
Secretary.

GOVERNMENT EXAMINATIONS.

GOVERNMENT TECHNICAL EXAMINATIONS—APRIL 1913.

Oral and Practical Examinations.

It is hereby notified that the arrangements made for the conduct of the Oral and Practical Examinations for the several subjects under the different grades will be published in the *Fort St. George Gazette*, from time to time, the subjects, centres, etc., to which the arrangements relate being specified. In all cases for which no arrangements are notified in the Gazette, the necessary information can be obtained from the Chief Superintendents of the Written Examination concerned.

2. Candidates who may not be able to attend the Oral and Practical Examinations should intimate the fact, sufficiently early, to the examiner whose name is entered first against the subjects brought up by them, so that arrangements may not be made for their examination. The particular subjects and grades for which the candidates concerned are unable to attend should be clearly specified in the letter to the examiner.

3. Candidates for carpentry, fitter's work and any other subject, the practical examination in which requires the use of tools, etc., should bring their own tools, etc., with them.

4. The following arrangements have been made for the conduct of the Oral and Practical Examinations in the subjects mentioned below :—

Days with date.	Subjects.	Grade of examination.	Hour of commencement of examination.	Approximate number of candidates to be examined.	Place of examination.	Examiners.
I.—CIVIL ENGINEERING AND MECHANICAL ENGINEERING.						
(1) FOR BELLARY, TIRUPATI, VELLORE AND MADRAS CANDIDATES, *At Madras* [Already notified.]						
1913. Monday, 12th May.	Carpentry	Elementary.	7 a.m.	2	Public Works Workshops, Seven Wells, Madras	Mr. H. B. Peirse (a).
	Fitter's Work	Do.	7 a.m.	14	Do.	Do.
	Do.	Intermediate.	7 a.m.	4	Do.	Do.
(2) FOR COIMBATORE, SALEM AND OOTACAMUND CANDIDATES, *At Palghat.* [Already notified.]						
(3) FOR BANGALORE CANDIDATES [EXCEPT IN MACHINE CONSTRUCTION (INTERMEDIATE)], *At Bangalore.* [Already notified.]						
Monday, 12th May	Carpentry	Elementary	7 a.m.	1	Municipal Engineer's office, Mayo Hall, Bangalore.	Mr. W. H. Murphy (b)
(4) FOR MADURA CANDIDATES, *At Madura.* [Already notified.]						
Monday, 12th May.	Fitter's Work	Elementary.	7 a.m.	4	Technical Institute, Madura.	M.R.Ry. M. R. Sadasiva Ayyar Avargal (c).
	Do.	Intermediate.	7 a.m.	3	Do	Do.

(a) General Superintendent, P.W. Workshops, Madras.
(b) Executive Engineer, Civil and Military Station Municipality, Bangalore.
(c) Local Fund Assistant Engineer, Madura.

Days with dates.	Subjects.	Grade of examination.	Hour of commencement of examination.	Approximate number of candidates to be examined.	Place of examination.	Examiners.

I.—CIVIL ENGINEERING AND MECHANICAL ENGINEERING—*contd.*

(5) FOR TRICHINOPOLY CANDIDATES IN ALL SUBJECTS AND FOR TANJORE CANDIDATES IN MACHINE CONSTRUCTION (INTERMEDIATE), STEAM AND THE STEAM-ENGINE (ELEMENTARY) AND FITTER'S WORK (INTERMEDIATE).

At Trichinopoly.

1913. Monday, 28th April	Building Materials and Construction.	Elementary.	7 A.M.	37	Office of the Executive Engineer, Trichinopoly Division, Trichinopoly.	Mr. E. F. Dupont (a).
Tuesday, 29th April and Wednesday, 30th April	Do	Intermediate	7 A.M.	39	Do.	Do.
Thursday, 1st May	Hydraulics and Irrigation Works.	Elementary.	7 A.M.	46	Do.	Do
Friday, 2nd May.	Do	Intermediate	7 A.M.	8	Do.	Do
Tuesday, 6th May.	Bridge Work	Elementary.	7 A.M.	7	Do.	Do.
Saturday, 10th May.	Do. Applied Mechanics	Intermediate	7 A.M.	2	Do.	Do.
	Do.	Elementary	7 A.M.	9	Do.	Do.
	Machine Construction.	Intermediate	7 A.M.	8	Do.	Do.
Wednesday, 14th May.	Steam and the Steam-engine.	Do.	7 A.M.	6	Do.	Do
	Do.	Do.	7 A.M.	1	Do.	Do.
		Elementary	7 A.M.	1	Do	Do.
Saturday, 3rd May.	Earthwork and Road-making.	Do	7 A.M.	99	Do.	Do
	Do.	Intermediate	7 A.M.	21	Do.	Do.
Monday, 5th May.	Mensuration	Elementary.	7 A.M.	107	Do.	Do.
Monday, 12th May and Tuesday, 13th May	Do.	Intermediate	7 A.M.	4	Do.	Do
	Surveying and Levelling	Elementary.	7 A.M.	16	Do.	Do.
Friday 9th May.	Do.	Advanced	7 A.M.	22	Do.	Do.
Wednesday, 7th May and Thursday, 8th May.	Do.	Intermediate	7 A.M.	113	Do.	Do
Monday, 12th May	Carpentry	Elementary.	7 A.M.	1	Do.	Do.
	Fitter's Work	Intermediate	7 A.M.	2	Do	Do.

(6) FOR TRIVANDRUM CANDIDATES.

At Trivandrum.

[Already notified.]

(7) FOR TINNEVELLY CANDIDATES.

[Already notified.]

(8) FOR NAZARETH CANDIDATES.

At Nazareth

Monday, 12th May	Carpentry	Elementary.	7 A.M.	5	Art Industrial School, Nazareth.	Mr. M. Augustine (f).
	Do.	Intermediate	7 A.M.	1	Do.	Do
	Fitter's Work	Elementary.	7 A.M.	3	Do.	Do.

(9) FOR BANGALORE CANDIDATES IN MACHINE CONSTRUCTION (INTERMEDIATE), AND FOR MYSORE CANDIDATES.

At Mysore

[Already notified.]

Monday, 12th May.	Fitter's Work	Elementary.	7-30 A.M.	4	Government Industrial School, Mysore.	M. R. Ry. S. Srinivasa Aiyar Avargal (g).
	Do.	Intermediate	7-30 A.M.	3	Do.	Do.
	Carpentry	Elementary.	7-30 A.M.	4	Do.	Do.

(10) FOR CUDDALORE, KUMBAKONAM AND TANJORE CANDIDATES [EXCEPT IN MACHINE CONSTRUCTION (INTERMEDIATE), STEAM AND THE STEAM-ENGINE (ELEMENTARY) AND FITTER'S WORK (INTERMEDIATE)].

At Tanjore.

[Already notified.]

(a) Sub-Divisional Officer, Public Works Department, Trichinopoly.
(f) Superintendent, Art Industrial School, Nazareth.
(g) Assistant Engineer, Palace division, Mysore.

Days with dates.	Subjects	Grade of examination.	Hour of commencement of examination.	Approximate number of candidates to be examined.	Place of examination	Examiners.

I.—CIVIL ENGINEERING AND MECHANICAL ENGINEERING—*cont.*

(11) FOR CHICACOLE AND VIZAGAPATAM CANDIDATES,

At Vizagapatam

[Already notified.]

(12) FOR COCANADA, RAMACHANDRAPUR, PEDDAPUR AND RAJAHMUNDRY CANDIDATES,

At Rajahmundry.

[Already notified.]

1913 Monday, May.	12th	Carpentry	Elementary.	7-30 A.M.	2	Godavari Eastern Division, Reserve Engineer & Bungalow, Dowlaiswaram	Mr. M. R. Khategat (a).
		Do. ..	Intermediate.	7-30 A.M.	1	Do.	Do.
		Fitter's Work ..	Elementary.	7-30 A.M.	1	Do	Do.

(13) FOR AMALAPURAM CANDIDATES,

At Amalapuram.

[Already notified.]

(14) FOR MASULIPATAM, KURNOOL, GUNTUR, BAPATLA AND BEZWADA CANDIDATES,

At Bezwada.

[Already notified.]

Monday, May.	12th	Fitter's Work ..	Elementary.	7 A.M. ..	8	Government Workshops, Bezwada	Mr. R. R. Degen (b).

II.—ELECTRICAL ENGINEERING.

ELECTRIC LIGHTING AND TRANSMISSION OF POWER.

(1) FOR CUDDALORE AND TRICHINOPOLY CANDIDATES,

At Trichinopoly.

[Already notified.]

(2) FOR BANGALORE AND MADRAS CANDIDATES,

At Madras.

[Already notified.]

PRACTICAL TELEGRAPHY.

(1) FOR KURNOOL AND MADRAS CANDIDATES,

At Madras.

[Already notified.]

(2) FOR KUMBAKONAM, TANJORE, MADURA AND TRICHINOPOLY CANDIDATES,

At Trichinopoly.

[Already notified.]

III.—PHYSICAL SCIENCE.

ELECTRICITY AND MAGNETISM, INORGANIC CHEMISTRY, PHYSIOGRAPHY AND PHOTOGRAPHY.

(1) FOR BELLARY, VELLORE, BANGALORE, COIMBATORE AND MADRAS CANDIDATES,

At Madras.

[Already notified.]

(2) FOR RAJAHMUNDRY CANDIDATES,

At Rajahmundry.

[Already notified.]

HEAT, ELECTRICITY AND MAGNETISM, INORGANIC CHEMISTRY AND PHYSIOGRAPHY.

(3) FOR MADURA AND TRICHINOPOLY CANDIDATES,

At Trichinopoly.

[Already notified.]

(a) Executive Engineer, Godavari Eastern Division, Dowlaiswaram.
(b) Assistant Engineer, Public Works Department, Head Quarters Sub-Division, Bezwada.

III.—PHYSICAL SCIENCE—*cont.*

HEAT, ELECTRICITY AND MAGNETISM, INORGANIC CHEMISTRY AND PHYSIOGRAPHY—*cont.*

(1) FOR COCANADA CANDIDATES.

At Cocanada.

[Already notified.]

(2) FOR RAMACHANDRAPUR CANDIDATES.

At Ramachandrapur.

[Already notified.]

IV.—BIOLOGY.

ANIMAL PHYSIOLOGY.

(1) FOR VELLORE, BANGALORE AND MADRAS CANDIDATES.

At Madras.

[Already notified.]

(2) FOR RAJAHMUNDRY CANDIDATES.

At Rajahmundry.

[Already notified.]

(3) FOR MADURA CANDIDATES.

At Trichinopoly.

[Already notified.]

(4) FOR AMALAPURAM CANDIDATES.

At Amalapuram.

[Already notified.]

(5) FOR MASULIPATAM, BEZWADA AND GUNTUR CANDIDATES.

At Guntur.

[Already notified.]

(6) FOR BAPATLA CANDIDATES.

At Bapatla.

[Already notified.]

(7) FOR COCANADA CANDIDATES.

At Cocanada.

[Already notified.]

(8) FOR RAMACHANDRAPUR CANDIDATES.

At Ramachandrapur.

[Already notified.]

(9) FOR PEDDAPUR CANDIDATES.

At Peddapur.

[Already notified.]

BOTANY.

(1) FOR RAJAHMUNDRY CANDIDATES.

At Rajahmundry.

[Already notified.]

(2) FOR CUDDALORE, KUMBAKONAM, TANJORE AND TRICHINOPOLY CANDIDATES.

At Trichinopoly.

[Already notified.]

(3) FOR VELLORE AND MADRAS CANDIDATES.

At Madras.

[Already notified.]

(4) FOR AMALAPURAM CANDIDATES.

At Amalapuram.

[Already notified.]

IV.—BIOLOGY—*cont.*

BOTANY—*cont.*

(6) FOR CHICACOLE AND VIZAGAPATAM CANDIDATES,

At Vizagapatam

[Already notified.]

(8) FOR PEDDAPUR CANDIDATES,

At Peddapur

[Already notified.]

(7) FOR BAPATLA CANDIDATES,

At Bapatla.

[Already notified.]

(8) FOR MASULIPATAM, BEZWADA AND GUNTUR CANDIDATES,

At Guntur.

[Already notified.]

(9) FOR COCANADA CANDIDATES,

At Cocanada.

[Already notified.]

(10) FOR RAMACHANDRAPUR CANDIDATES,

At Ramachandrapur.

[Already notified.]

V.—AGRICULTURE.

AGRICULTURE.

(1) FOR RAJAHMUNDRY CANDIDATES,

At Rajahmundry

[Already notified.]

(2) FOR TIRUPATI AND MADRAS CANDIDATES

At Guindy (near Saidapet, Chingleput district).

[Already notified.]

(3) FOR AMALAPURAM CANDIDATES,

At Amalapuram.

[Already notified.]

(4) FOR VIZAGAPATAM CANDIDATES,

At Vizagapatam.

[Already notified.]

(5) FOR RAMACHANDRAPUR CANDIDATES.

At Ramachandrapur.

[Already notified.]

(6) FOR PEDDAPUR CANDIDATES,

At Peddapur.

[Already notified.]

(7) FOR COCANADA CANDIDATES,

At Cocanada.

[Already notified.]

(8) FOR MASULIPATAM, BEZWADA AND GUNTUR CANDIDATES,

At Guntur

[Already notified.]

(9) FOR BAPATLA CANDIDATES,

At Bapatla.

[Already notified.]

Days with dates.	Subjects.	Grade of examination.	Hour of commencement of examination.	Approximate number of candidates to be examined.	Place of examination.	Examiners.

VI.—PHARMACY.

(1) For Madras Candidates,

At Madras.

1918. Monday, 5th May.	Inorganic Chemistry (Special).	Intermediate	11 A.M.	1	Medical College, Madras	Major T. H. Symons, I.M.S. (a) and M.R.Ry. Rao Sahib M. O. Kesava Avargal.
Tuesday, 6th May.	Materia Medica	Do	11 A.M.	1	Do.	Do.
	Practical Pharmacy	Do.	11 A.M.	1	Do	Do.
	Practical Dispensing (for Compounders)	Do	11 A.M.	4	Do.	Do.
Wednesday, 7th May and Thursday, 8th May	Special Laboratory Course.	Do.	11 A.M.	1	Do	Do.

(2) For Vellore Candidates,

At Vellore.

Monday, 13th May.	Practical Dispensing (for Compounders).	Intermediate	12 noon.	3	Municipal Hospital, Vellore.	Civil Assistant Surgeon, T. R. Lakshmanaperumal Pillai (d).

(3) For Chittoor Candidates,

At Chittoor.

Wednesday, 14th May and Thursday, 15th May	Practical Dispensing (for Compounders).	Intermediate	11 A.M.	2	Head Quarters District Board Hospital, Chittoor.	Civil Assistant Surgeon R. W. Chester (e).

(4) For Cocanada Candidates,

At Cocanada.

Monday, 19th May and Tuesday, 20th May.	Practical Dispensing (for Compounders).	Intermediate	10 A.M.	1	Head Quarters Hospital, Cocanada.	Major S. Esse, I.M.S (f).

(5) For Madura Candidates,

At Madura.

Wednesday, 14th May	Practical Dispensing (for Compounders).	Intermediate	8 A.M.	7	Office of the District Medical and Sanitary Officer, Municipal Hospital, Madura.	Captain T. W. Harley, I.M.S. (g).

(6) For Vizagapatam Candidate,

At Vizagapatam.

Saturday, 18th May	Practical Dispensing (for Compounders).	Intermediate	1 P.M.	1	Civil Hospital, Vizagapatam.	Major E. M. Illington, I.M.S. (f).

(7) For Masulipatam Candidate,

At Masulipatam.

Monday, 13th May.	Practical Dispensing (for Compounders).	Intermediate	9 A.M.	5	Office of the District Medical and Sanitary Officer, Municipal Hospital, Masulipatam.	Captain John Forbes (g)

VIII.—COMMERCE

TYPEWRITING (ELEMENTARY, INTERMEDIATE AND ADVANCED GRADES).

For all Candidates both at Madras and in the Mofussil.

Only those candidates that satisfy the Examiners in the Written examination will be admitted to the Oral and Practical examinations. A list of such candidates will be published in the *Fort St George Gazette* in June next, with all necessary information as to when and where they should appear for the Oral and Practical examinations. No separate intimation will be sent to the candidates.

Office of the Comr. for Govt. Examinations,
Madras, 2nd May 1918.

G. MADDOX,
Secretary.

(a) Surgeon General Hospital, Madras
(b) Ag. District Medical and Sanitary Officer, North Arcot, Vellore.
(c) Do. do. Chittoor.
(d) District Medical and Sanitary Officer, Godavari, Cocanada.
(e) Do. Madura.
(f) Do. Vizagapatam
(g) Do Kistna, Masulipatam.

UNIVERSITY OF MADRAS.

NOTIFICATION

The L.T. Degree Examination of 1914 will be held at Madras, Saidapet and Trivandrum.

2. The B.A. Degree (Honours) Examination, Part I of 1914, will be held at Madras and Trichinopoly.

3. The B.A. Degree Honours Examination, Part II of 1914, will be held at Madras.

4. The B.A. Degree Examinations (under the old By-laws and under the new Regulations) will be held at the following places in April 1914.—

Madras—All Branches and Groups.		
Bangalore—Branches I, IV and V and Groups (i), (iv), (v) and (vi) only.		
Trichinopoly—	Do.	do
Trivandrum—	Do.	do.

NOTE.—Candidates for the above examinations selecting Branches II and III (old By-laws) and Groups (ii) and (iii) (new Regulations) will be required to sit at *Madras* for every part of the B.A. Degree Examination in which they intend to appear. When the number of candidates proposing to appear for Groups (ii) and (iii) under the New Regulations has been ascertained, the Syndicate may appoint additional centres for the Examinations in these Groups.

5. The Intermediate Examinations in Arts will be held at the following places in March and April 1914:—

Madras	Jaffna.	Rajahmundry
Bangalore.	Kumbakonam.	Tinnevelly.
Calicut.	Madura.	Trichinopoly.
Coimbatore	Mangalore.	Trivandrum.
Kottayam.	Masulipatam.	Vizianagram.
Ernakulam.	Mysore.	
Hyderabad (Division).	Palghat.	

6. The Matriculation Examination will be held at the following places in March 1914:—

Madras.	Jaffna	Tinnevelly.
Bangalore.	Mangalore.	Trichinopoly.
Bellary.	Mysore.	Trivandrum.
Kottayam	Rajahmundry.	Vizianagram.
Hyderabad (Division).		

7. The F.L. and B.L. Degree Examinations of 1914 will be held at Madras and Trivandrum.

(By order.)

F. DEWSBURY, B.A., LL.B.,
Registrar.

Senate House, 2nd May 1913.

ERRATUM.

On page 35 in the Catalogue of Books published as Supplement to Part I-B of the *Fort St. George Gazette*, dated 29th April 1913, in the description of the book *Abhinava-mohanama* (entry No. 5 under Telugu—Drama)—

For "marriage of Mōhana with Sudhā," *read* "marriage of Mohana with Sundari".

M. RANGACHARYA,
Registrar of Books.

Madras, 5th May 1913.

MADRAS MEDICAL COLLEGE.

SESSION, 1913-1914.

The Autumn session of the Madras Medical College will commence on Tuesday the 2nd July 1913.

Graduates, F.A.'s, and candidates who have passed the Intermediate Examination in Arts of the Madras University, and those who have passed an examination accepted by the Syndicate of the University as equivalent thereto, or one of the examinations which are recognised by the General Medical Council of Great Britain as a sufficient test of preliminary education for the commencement of medical study, are eligible for admission into the M.B. & C.M. or L.M. & S. classes.

Women candidates who have passed the Matriculation Examination of the Madras University or who have obtained the best Secondary prior to 1910, the European High School Examination or who have passed the Senior Examination in Shorthand and Typewriting) are eligible for School Leaving Certificate (with optionals other than Shorthand and Typewriting) are eligible for admission to the Apothecary Department. This department is closed to male private candidates.

Applications from intending candidates must be made to the Principal, on printed forms which can be had from the Senior Assistant, Medical College, on sending a half-anna postage stamp. The applications with the following documents (in original) attached thereto will be received by the Principal up to 15th June next:—

(1) Qualification certificate.
(2) Conduct certificate.
(3) Transfer (or leaving) certificate.
(4) Vaccination certificate.

Permission from the superior officer (if in public service).

Applications defective in any way, or which are received after the 15th June, will be rejected. No name will be registered *pending production* of any of the required certificates.

Applications from students desirous of taking any of the College courses *for a second time* must also be submitted before the 15th June.

The prescribed fee should be paid within a week after notice of selection has been received, into the nearest Government Treasury to the credit of "*Medical College Fees*" and the treasury receipt sent immediately to this office. The Principal will in no case receive the fees.

No enquiries from the applicants will be attended to

Application forms and papers received from candidates who are not selected will be returned to them.

G. G. GIFFARD, Lieut.-Col., I.M.S.,
Principal, Medical College.

Madras, 24th April 1913.

MADRAS LAW COLLEGE.

AUTUMN TERM, 1913.

The College reopens on Saturday the 12th July and regular work for the autumn term for all the classes will commence on Monday the 14th July 1913 and the attendance will count from that date. The first lecture will be delivered for each of the classes from 10 to 11 A.M. on Monday the 14th July 1913.

New Admissions

B.L., F.L. and Pleadership Classes.—Candidates seeking admission to the B.L. Class shall have passed the First Examination in Law and those seeking admission to the F.L. and Pleadership Classes, the B.A. Degree Examination.[a]

Term Fee.

The term fee for the B.L. Class will be Rs. 100, for the F.L. Class Rs. 75 and for the Pleadership Class Rs. 50. But Muhammadan, Uriya and all other students belonging to the backward classes or castes specified in article 13 of the Grant-in-Aid Code will be required to pay only half the usual fee under G.O. No. 832, Educational, dated 8th October 1896, and G.O. No. 298, Educational, dated 29th May 1901, and under Proceedings Dis. No. 4509, dated 8th June 1908, of the Director of Public Instruction.

All fees must be paid into the Bank of Madras (at the Head Office only) between Monday the 30th June and Friday the 11th July, 1913 to the credit of Government under the head "XIX. Educational Fees—Government Colleges, Professional—Law College," and the receipt filed in the College office. Fees should not, under any circumstances, be paid at the branches of the Bank of Madras or into the Government Treasuries, and the Principal will decline to receive fees in cash or receipts for payments made in Treasuries other than that of the Bank of Madras. No exception whatever will be made to this rule.

Application for Admission.

NOTE.—1) Application forms may be obtained on application to the College clerk. These must be duly filled up and filed in the College office, with the Bank's fee receipt, and in the case of F.L. and Pleadership candidates, with the vaccination certificate. *Applications with incomplete entries will not be accepted, and no name will be registered until the application in the prescribed printed form is filed in the College office.*

(2) *Vaccination.*—Under G.O., No. 809, Public, dated 18th August 1894, *all persons applying for admission into Government Professional Colleges* are required to produce "certificate of re-vaccination after the completion of the tenth year, or should they not have been vaccinated in early childhood, of vaccination after reaching the age of ten years. In the event of their having suffered from small-pox before or during their tenth year, they must produce a certificate of vaccination or re-vaccination subsequent to their having attained the age of ten. This certificate will not, however, be required from persons who bear the marks of small-pox and who produce a certificate signed by two respectable householders that to their personal knowledge the individual was attacked with small-pox after he has completed his tenth year."

(3) The certificate of vaccination or re-vaccination referred to above, must under the rules embodied in the Government Order quoted above (*vide rule* 13) be granted by either Surgeons or Assistant Surgeons or Apothecaries or Sal-Assistant Surgeons or Deputy Inspectors of Vaccination.

AUTUMN TERM 1913.

The programme of work will be as follows:—

B.L. Class.

Theory and Law of Property	Lectures—The Principal.
Transfer of Property	Lectures and Classes—The Assistant Professor.
Hindu and Muhammadan Law	Lectures—The Professor Classes—The Assistant Professor.
Law of Evidence	Lectures and Classes—The Assistant Professor.
Criminal Law	Do do.

[a] No candidate will be admitted to the College unless he presents, together with his application, a transfer certificate showing (*a*) the name of the candidate in full, (*b*) the date of birth as entered in the admission register, (*c*) the dates on which he was admitted to and on which he left the institution, (*d*) the class in which he studied at the time of leaving it, (*e*) the subjects or portions thereof studied by him while enrolled, and (*f*) that he has paid all fees or other money due to that institution in respect of the last term in which he was enrolled.

No student will be allowed to attend the B.L. and Pleadership classes together. In the case of an applicant who had been previously employed, the application must be accompanied by a certificate of good character from the head of the office where he was employed. If the event of his being employed in a department where a register of service is maintained, the application should be accompanied by an authenticated extract from such register.

F.L. CLASS.

Jurisprudence and Roman Law	Lectures—The Professor. Classes on Jurisprudence—The Assistant Professor.
Law of Contracts	Lectures—The Principal. Lectures and Classes—The Assistant Professor.
Law of Torts	Lectures and Classes—The Assistant Professor.

PLEADERSHIP CLASS.

Transfer of Property	Lectures with Section II of the B.L. Class
Hindu Law	Lectures with B.L. Class
Law of Evidence	Lectures with Section II of the B.L. Class
Indian Penal Code	Do. do
Law of Contracts	Lectures with Section II of the F.L. Class.
Law of Torts	Do. do.
Civil Procedure Code	Lectures—The Assistant Professor.
Criminal Procedure Code	Do. do

Law College, Madras,
30th April 1913.

S. SWAMINADHAN,
Ag. Principal.

FINAL EXAMINATION FOR TEACHERS' CERTIFICATES, 1913-1914.

Male Centres.

Circle.	Centre of examination.	Time of examination.
Second Circle	Nayudupet	Fourth week of April 1913.
	Nellore	Second week of July 1913
	Bezwada	First week of August 1913.
	Eluru	Third week of August 1913.
	Guntur	Fourth week of October 1913.
	Ongole	Third week of December 1913.
	Masulipatam	Fourth week of January 1914.
	Tanuku	Third week of February 1914.
	Narsapur	Fourth week of February 1914.
	Bapatla	Second week of March 1914

2. The exact date of the examination will be communicated to each candidate in due course by the Inspector of the Circle.

3 Applications for admission to the examination must be submitted to the Inspector of Schools, Second Circle, Guntur, at least a month before the week of the examination. Forms can be obtained from this office as well as from the office of the Inspector of the Circle.

Office of the Inspr. of European and Training Schools,
Madras, 22nd April 1913.

J. H. MELVILLE,
Inspector of European and Training Schools

FINAL EXAMINATION FOR TEACHERS' CERTIFICATES, 1913-1914.

Female Centres.

Circle.	Centre of examination.	Time of examination.
Southern Circle	Ootacamund	May 1913
	Coimbatore	June 1913.
	Trichinopoly	August 1913.
	Madura	September 1913
	Palamcottah	October 1913.
	Tanjavur	October 1913.
	Calicut	November 1913.
	Mangalore	December 1913.
	Nanjeth	February 1914.

2 The exact date of the examination will be communicated to each candidate in due course by the Inspectress of the Circle.

3 Applications for admission to the examination must be submitted to the Inspectress of Girls' Schools, Southern Circle, Coimbatore, at least a month before the week of the examination. Forms can be obtained from this office as well as from the office of the Inspectress of the Circle.

Office of the Inspr. of European and Training Schools,
Madras, 22nd April 1913.

J. H. MELVILLE,
Inspector of European and Training Schools.

FINAL EXAMINATION FOR TEACHERS' CERTIFICATES, 1913–1914.

Male Centres.

Circle.	Centre of examination.	Time of examination.
Sixth Circle	Tanjore	Third week of July 1913.
	Kumbakonam	Fourth week of July 1913.
	Mayaveram	First week of August 1913.
	Mannargudi	First week of September 1913.
	Tiruvalur	Second week of September 1913.
	Pattukkottai	Third week of September 1913
	Villupuram	Second week of October 1913.
	Tranquebar	Second week of February 1914.
	Trichinopoly	Fourth week of February 1914.
	Karaikkal	Second week of March 1914.

2. The exact date of the examination will be communicated to each candidate in due course by the Inspector of the Circle.

3. Applications for the admission to the examination must be submitted to the Inspector of Schools, Sixth Circle, Tanjore, at least a month before the week of the examination. Forms can be obtained from this office as well as from the office of the Inspector of the Circle.

Office of the Inspr. of European and Training Schools, Madras, 22nd April 1913.

J. H. MELVILLE,
Inspector of European and Training Schools.

FINAL EXAMINATION FOR TEACHERS' CERTIFICATES, 1913–1914.

Female Centres.

Circle.	Centre of examination.	Time of examination.
Northern Circle ..	Vizagapatam	Fourth week of April 1913.
	Vizagapatam (especially for Mahammadan Distresses).	Fourth week of May 1913.
	Bellary	Second week of June 1913.
	Anantapur	Fourth week of June 1913.
	Rajahmundry	Second week of August 1913
	Cocanada	Fourth week of August 1913.
	Masulipatam	Third week of October 1913.
	Guntur	First week of November 1913.
	Ongole	Third week of November 1913.
	Berhampur	Second week of March 1914.

2. The exact date of the examination will be communicated to each candidate in due course by the Inspectress of the Circle.

3. Applications for admission to the examination must be submitted to the Inspectress of Girls' Schools, Northern Circle, Waltair, at least a month before the week of the examination. Forms can be obtained from this office as well as from the office of the Inspectress of the Circle.

Office of the Inspr. of European and Training Schools, Madras, 25th April 1913.

J. H. MELVILLE,
Inspector of European and Training Schools.

FINAL EXAMINATION FOR TEACHERS' CERTIFICATES, 1913–1914.

Female Centres.

Circle.	Centre of examination.	Time of examination.
Central Circle	Madras	Fourth week of April 1913.
	Bangalore	Second week of July 1913.
	Madanapalle	Third week of July 1913.
	Tanjore	First week of August 1913.
	Vellore	Second week of September 1913.
	Chittoor	Third week of September 1913.
	Salem	First week of October 1913.
	Madras	Fourth week of October 1913.
	Cuddalore	Third week of December 1913.
	Coimbatore	Second week of March 1914.

2. The exact date of the examination will be communicated to each candidate in due course by the Inspectress of the Circle.

3. Applications for admission to the examination must be submitted to the Inspectress of Girls' Schools, Central Circle, Madras, at least a month before the week of the examination. Forms can be obtained from this office as well as from the office of the Inspectress of the Circle.

Office of the Inspr. of European and Training Schools, Madras, 23rd April 1913.

J. H. MELVILLE,
Inspector of European and Training Schools.

FINAL EXAMINATION FOR THE HOSPITAL ASSISTANT GRADE

It is hereby notified that the undermentioned medical pupil has been declared to have passed the Final Examination of the Hospital Assistant Department held by the Board of Examiners, Medical College, Madras, in March 1913 :—

SECOND GRADE.

Rank.	Name	School in which studied
41.	S. Sankaranarayanan	.. Royapuram.

W. C. GRAY, Capt., I.M.S.,
Ag. Personal Assistant to the Surgeon-General with the Government of Madras.

Madras, 5th May 1913.

NOTICE.

Notice is hereby given that all vacancies for the Madras Forest College for the 1913–1914 course have now been filled.

Madras Forest College, Coimbatore,
23rd April 1913.

F. C. L. COWLEY BROWN,
Principal.

VACANCIES.

APPLICATIONS are invited from qualified persons for an appointment as Assistant in the Teachers' College Model School on Rs. 60 per mensem.

Applicants should be competent to impart instruction in Type-writing in addition to the commercial subjects such as Book keeping, Commercial Geography, Commercial Practice, etc., under the Secondary School-Leaving Certificate scheme. They should also be thoroughly acquainted with the mechanism of type writing machines.

Applications, which should be submitted to the undersigned before the 10th May 1913, should contain the following information :—

(1) Name ; (2) Nationality and caste ; (3) Date of birth ; (4) General Educational qualification ; (5) Technical qualifications and the Technical school or schools attended ; (6) Present occupation ; (7) Whether any experience as a teacher, and if so what and where ; (8) Copies of testimonials ; (9) Present address.

Teachers' College, Saidapet,
15th April 1913.

H. S. DUNCAN,
Principal.

APPLICATIONS are invited from trained graduates for the post of Temporary Commercial Instructor in the Government Madrasa-i-Azam, Madras, on a salary of Rs 60 per mensem. The Instructor will be required to teach the following subjects :—

(1) Shorthand and Typewriting.
(2) Book keeping and Commercial Arithmetic
(3) Commercial Practice and Geography.

Applications should reach the undersigned by the 12th May 1913, stating age and qualifications. Copies of testimonials, if any, should also be sent.

Government Madrasa-i-Azam, Mount Road, Madras,
17th April 1913.

C. W. MOSS,
Headmaster.

WANTED one graduate in Science and one graduate in Mathematics for the Board Secondary school at Russelkonda in Ganjam district. Both must have undergone training in teaching or must be Licentiates in teaching. Uriya graduates will be preferred. The pay of the posts ranges from Rs. 60 to Rs. 100 according to qualifications. Applications should reach the undersigned on or before the 31st May 1913.

Russelkonda, 19th April 1913.

K. NAGESWARA RAO,
President, Taluk Board, Ganjam.

WANTED for the First Assistant's place in the Municipal Hindu Girls' school, Kurnool, a trained female teacher of the Higher Elementary Grade, whose vernacular is Telugu, qualified to teach English for the 3rd and 4th standards. The post is a permanent one and carries with it a salary of Rs 30 per mensem. Applications should be submitted to the Sub-Assistant Inspector of Girls' Schools, Ceded Districts Girls' Range, Bellary, so as to reach him not later than the 20th May next.

Municipal Office, Kurnool,
21st April 1913.

S. V. NARASIMHA RAO,
Chairman.

APPLICATIONS are invited from candidates who have passed the Matriculation Examination before 1910 or who have completed the Secondary School-Leaving Certificate course and have obtained satisfactory records in their certificates and know Tamil or Telugu for appointment as clerks in the offices of the Sub Assistant Inspectors of Schools in this Circle on Rs. 20 per mensem. The appointment will be on probation in the beginning with prospects of confirmation on receipt of favourable report from their immediate superiors. Men with official experience will be preferred.

Office of the Inspector of Schools, Fifth Circle,
Coimbatore, 26th April 1913.

H. O. KERSHAW,
Inspector of Schools, Fifth Circle.

APPLICATIONS are invited from Muhammadans who are Matriculates or holders of Secondary School-Leaving Certificates and who possess Trained Teachers' Certificates of the Secondary Grade for the post of Supervisor of Muhammadan Elementary Schools, Cuddapah district. The pay of the appointment is Rs. 30 per mensem with a fixed travelling allowance of Rs. 15 and fixed contingencies of Rs. 2-8-0.

Applications which should state clearly the age, qualifications and previous experience of the candidate should be submitted so as to reach this office on or before the 30th May 1913.

Office of the Inspector of Schools, Third Circle,
Bellary, 28th April 1913.

H. CHAMPION,
Inspector of Schools, Third Circle.

APPLICATIONS are invited for the post of Second Clerk in the office of the undersigned on Rs. 25—1—30.

Preference will be given to those who have experience in Account work and who are qualified under the rules.

Applications with copies of certificates and testimonials from present employers should reach the undersigned before the 15th May 1913.

Office of the Inspss. of Girls' Schools, Southern Circle,
Coimbatore, 1st May 1913.

A. ARNOLD,
Inspectress of Girls' Schools, Southern Circle.

APPLICATIONS are invited from duly qualified Muhammadan teachers, whose vernacular is Hindustani, for the post of temporary assistant in the Government Muhammadan Training School, Madras. Salary Rs. 40. The appointment will last till April 1914.

The candidate selected should be able to join duty in the beginning of July 1913.

Office of the Inspr. of European and Training Schools,
Madras, 5th May 1913.

J. H. MELVILLE,
Inspector of European and Training Schools.

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THE FORT ST. GEORGE GAZETTE.

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Part II.—Miscellaneous Notifications.

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APPOINTMENTS, LEAVE OF ABSENCE, &c.

Judicial.

No. 35—Posting.—M.R.Ry. Tirumashi Amri Narasimhacharlar Avargal, District Munsif, is posted to Cuddapah. *To join immediately.*

Leave.—The Honourable the Chief Justice has granted furlough under articles 853 and 856 of the Civil Service Regulations to Mr. James Reddy Beadon Branson, Attorney-at-Law, Official Assignee for the High Court of Judicature, from 9th May to 14th November 1913 both days included.

Appointment.—Under section 77 of the Presidency Towns Insolvency Act, 1909, the Honourable the Chief Justice has been pleased to appoint Mr. Francis Henry Wilson, one of the Attorneys of the High Court of Judicature at Madras, temporarily to the office of Official Assignee of insolvents' estates for the said High Court during the absence of Mr. James Reddy Beadon Branson on leave or until further orders.

High Court of Judicature, Madras,
30th April 1913.

No. 32—Leave.—Privilege leave on half salary for three months from 16th June 1913 is granted to M.R.Ry. Mahabida Deva Rao Avargal, District Munsif of Cocanada, under articles 271 and 345 of the Civil Service Regulations.

No. 33—Transfer.—Mr. Ernest John Sombre White, District Munsif of Berhampur, is transferred to Cocanada. (*To join on 16th June 1913.*)

No. 34—Transfer.—M.R.Ry. Koka Sambanna Rao Nayudu Garu, District Munsif of Gooty, is transferred to Berhampur. (*To join on 16th June 1913.*)

No. 37—Appointment.—M.R.Ry. Vepa Parmaiya Pantulu Garu, B.A., B.L., High Court Vakil, is appointed to act as District Munsif, Fourth Grade, and is posted to the Court of the Additional District Munsif of Bapatla. (*To join on 23rd June 1913.*)

High Court of Judicature, Madras,
3rd May 1913.

H. D. C. REILLY,
Registrar.

BOARD OF REVENUE.

REVENUE SETTLEMENT, SURVEY, LAND RECORDS AND AGRICULTURE.

Leave.—Under article 260 of the Civil Service Regulations, M.R.Ry. J. Sundarayya Pantulu Garu, Special Assistant Settlement Officer, Party No. II, Coimbatore *now* Trichinopoly, is granted privilege leave for twenty-three days from or after the 4th May 1913.

Leave.—M.R.Ry. V. Balakrishna Pillai Avargal, Special Deputy Collector on Loans duty, Tinnevelly district, is granted privilege leave for one month from or after the 7th May 1913, under article 260 of the Civil Service Regulations.

Board of Revenue (Rev. Sett. Sur., L. Rds. & Agri.), Chepauk, 2nd May 1913.

S. VENKATARAMADAS, *Secretary.*

SALT, ABKARI AND CUSTOMS DEPARTMENT.

Extension of Leave.—Under article 356 of the Civil Service Regulations, M.R.Ry. Thiruchirai Ceppuswami Aiyangar Soundraja Aiyangar, Assistant Inspector, is granted an extension of leave on medical certificate for three months.

This cancels his posting to the Calingapatam Circle ordered in Board's Notification, dated 15th April 1913, published on page 728, Part II of the *Fort St. George Gazette*, dated 22nd April 1913.

Board of Revenue (Separate Revenue), Chepauk, 30th April 1913.

Extension of Leave.—Under article 339 of the Civil Service Regulations, M.R.Ry. Odayalur Narayanaswamy Aiyar Radhakrishna Aiyar Avargal, Inspector, is granted an extension of leave without allowances for one month.

Board of Revenue (Separate Revenue), Chepauk, 2nd May 1913.

H. H. F. M. TYLER, *Secretary.*

FOREST.

Appointment.—R. Manickam, who obtained Higher Standard Certificate at Dehra Dun, is appointed to act as Ranger, Sixth Grade, with effect from 31st March 1913.

Trichinopoly, 30th April 1913.

Appointment.—P. K. Subramania Aiyar, a passed student of Dehra Dun College, is appointed Probationary Ranger, Sixth Grade, and posted to Salem North.

Trichinopoly, 1st May 1913.

J. S. BATTIE, *Conservator of Forests, Southern Circle.*

PUBLIC WORKS.

Promotions —

With effect from 16th January 1913.

M.R.Ry. Anantakrishna Aiyar Sivaswami Aiyar, from Supervisor, Second Grade, temporary, to Supervisor, Second Grade, sub. *pro tem.*

Ootacamund, 30th April 1913.

With effect from 11th February 1913.

M.R.Ry. H. Sankaranarayana Aiyar, from Overseer, Second Grade, permanent, to Overseer, First Grade, temporary.

Ootacamund, 2nd May 1913.

C. A. SMITH, *Chief Engineer, P.W.D.*

Posting.—M.R.Ry. K. R. Venkatarama Aiyar, Overseer, First Grade, is posted to the charge of the Penukonda sub-division of the Tank Restoration Scheme division during the absence of Conductor J. S. Mahony on privilege leave or until further orders.

Bellary, 2nd May 1913.

Posting.—M.R.Ry. S. Ramaswami Aiyar, Overseer, First Grade, Kurnool division, is posted to the charge of the Upper Canal sub-division of the same division.

To join forthwith and relieve M.R.Ry. A. Rajam Aiyar Avargal.

Transfer.—M.R.Ry. A. Rajam Aiyar Avargal, B.C.E., Sub-Engineer, Third Grade, from the Kurnool division to the Bellary division for the charge of the Anantapur sub-division.

To join immediately on relief.

Bellary, 3rd May 1913.

W. J. J. HOWLEY, *Superintending Engineer, III Circle.*

Transfer.—M.R.Ry. C. Rengaswami Aiyangar, Temporary Upper Subordinate, Madura division, is transferred to the Tank Restoration Scheme division. To join on return from leave.

This order carries with it sanction to transit pay and allowances.

Trichinopoly, 28th April 1913.

Leave.—Under Civil Service Regulations, article 280, M.R.Ry Theruvai Ramasubbier Subbayya, Temporary Upper Subordinate, Trichinopoly division, is granted privilege leave for thirteen days from the 22nd March 1913 or the date of relief.

Trichinopoly, 1st May 1913.

Leave.—Under Civil Service Regulations, article 260, M.R.Ry. O. R. Narayanaswami Aiyar, Temporary Upper Subordinate, Trichinopoly division, is granted privilege leave for three months, from the 10th April 1913, or the date of relief.

S. B. MURRAY.
Superintending Engineer, VI Circle.

Trichinopoly, 2nd May 1913

Re-posting.—M.R.Ry. Valappai Swami Aiyangar Srinivasa Aiyangar, Sub-Engineer, Third Grade, transferred to the Circle in the Chief Engineer's Memorandum No. 3194-C., dated 9th April 1913, is posted to Cauvery division for charge of Conservancy sub division—Head-quarters at Tanjore.

2 This cancels his posting to Manargudi subdivision, notified in Part II of the *Fort St. George Gazette*, dated 22nd April 1913.

Madras, 30th April 1913.

Re-posting.—M.R.Ry. K. K. Narayana Aiyar, appointed Temporary Upper Subordinate on Rs 80 per measem and posted to the VII Circle in Chief Engineer's No. 3618-C., dated 28th April 1913, is re-posted to the North Arcot division. To report himself for duty to the Executive Engineer, North Arcot division, at Vellore.

A. V. RAMALINGA AIYAR.
Offg. Superintending Engineer, VII Circle.

Madras, 3rd May 1913.

PUMPING AND BORING DEPARTMENT.

Extension of Leave.—The privilege leave for one month granted to M.R.Ry. P. S. Ramaswami Aiyar, Supervisor, from the 5th April 1913, is extended by two weeks.

1st May 1913.

Leave.—Privilege leave for six weeks with effect from 12th May 1913, is granted to M.R.Ry. K. Govinda Menon, Supervisor of Pumping and Boring Operations, Tiruppur.

Posting.—M.R.Ry. S. Rajagopal Nayudu, Probationary Supervisor of Pumping and Boring Operations at Villupuram, on relief by M.R.Ry. P. S. Ramaswami Aiyar, is posted to the Coimbatore Section, *vice* M.R.Ry. K. Govinda Menon on privilege leave or until further orders.

S. RAJAGOPALASWAMY,
Officer in charge of Pumping and Boring Operations.

3rd May 1913.

MEDICAL.

Extension of Leave.—Civil Assistant Surgeon Khaja Latifuddin, L.M.S., is granted an extension of privilege leave already granted to him up to and inclusive of 17th June 1913.

Lieut. F. F. R. Carruck, I.S.M.D., is granted an extension of one day's leave in India under paragraph 425, Army Regulations, India, Volume I, in continuation of the six months' leave already granted to him from 30th May 1912.

(By order.)

W. C. GRAY, Captain, I.M.S.,
Ag. Personal Assistant to the Surgeon-General with the Government of Madras.

Madras, 2nd May 1913.

GENERAL NOTIFICATIONS.

NOTICE.

It is requested that all communications regarding the *Fort St. George Gazette* be sent to Mint Buildings, Madras, E. as formerly. They are liable to delay if sent to the new Mount Road Branch which deals with Books and Publications only.

MOTOR AMBULANCE.

The Government having purchased a petrol motor-ambulance car for use by the public in conveying to hospitals at the presidency town of patients whose cases call urgently for treatment, the public are hereby informed that the car is now ready at the General Hospital that they can at any time both day and night utilize the car for the purpose mentioned. To regulate the system of working the car, the Government have prescribed certain rules which I have the pleasure of notifying below for general information.

Rules for the use of motor ambulance at the General Hospital approved by Government in G.Os. Nos. 178 and 246, Public, dated 12th and 26th February 1912, respectively.

The motor ambulance will be kept at the General Hospital for the use of the public and is to be used for the conveyance of the sick. Private practitioners may use the car to convey their sick patients to a hospital or private home. Applications for its use must be made to the Resident Medical Officer or in his absence from the hospital to the Assistant Surgeon on duty. The chauffeur in charge of the car will be available at any time both day and night. A uniform fee of Rs 3 will be levied for the use of the car for journeys within the municipal limits of Madras City and of Rs 5 for journeys beyond them. In any case the car cannot be sent outside a nine miles radius of the General Hospital. In the case of really indigent persons the Resident Medical Officer will have discretion in remitting the whole or any part of the prescribed fee. The ambulance should not unnecessarily be detained in any one place and will be absent from the hospital only for a definite period. A nurse shall whenever possible accompany the patient in the car when taken to or from the General Hospital.

Government General Hospital, Madras,
26th March 1913.

O. G. WEBSTER, Major, I.M.S.,
Ag. Senior Medical Officer.

NOTICE.

It is hereby notified that an inspection bungalow has been constructed at Dharmavaram, Anantapur district, and that the building is now available for occupation.

18th April 1913.

E. W. P. WALSH,
Executive Engineer, Tank Restoration Scheme Division, III Circle.

CHANGE OF ADDRESS.

The public are informed that the office of the Inspector of Salt, Abkari and Customs department, Bhavani Circle, will be removed to Gubichettipalayam as head-quarters on and after 5th May 1913, all correspondence may from that date be superscribed as follows:—

Inspector of Salt, Abkari and Customs department, Bhavani Circle,
Gubichettipalayam, Coimbatore district.

Bhavani Circle, 1st May 1913.

E. W. TRUTER,
Inspector.

ERRATUM.

In the notification published in the *Fort St. George Gazette* for February, March and April 1913, under section 5 of the Indian Treasure Trove Act VI of 1878—

For "1st May 1913 (the date of hearing of the case)" *read* "1st June 1913".

Collector's Office, Vizagapatam,
1st May 1913.

L. T. HARRIS,
Collector.

TREASURE TROVE.

It is hereby notified, under section 5 of the Indian Treasure Trove Act VI of 1878, that, on or about 24th November 1912, treasure consisting of 28 silver coins bearing the impression of the Muhammadan rulers of the year 1182 (corresponding to the English year 1772) weighing about (24 at one tola each and 6 at half a tola each) 26½ tolas and valued at about Rs. 20 was found while digging in an old dwelling house of Appalsetti Kannaiah at Bonnabhupalapatnam, Golgonda taluk, Vizagapatam district, Madras Presidency.

2. All persons claiming the said treasure or part thereof are hereby required to appear personally or by agent before the Collector of Vizagapatam at his office at Vizagapatam on 1st June 1913 in view to the matter being enquired into and determined according to law.

Vizagapatam Collector's Office,
24th December 1912.

L. T. HARRIS,
Collector.

Under section 5 of the Indian Treasure Trove Act, VI of 1878, it is hereby notified for the information of all concerned that, on the 13th December 1912, the treasure mentioned below was found by Vanikad Sekharan Nair of Kannady amsam, Pulghat taluk, Malabar district, while digging a tank in Vakadparamba of the above amsam :—

Description of property.	Estimated value.
	Rs. A. P.
Three whole rupees of 1835	23 0 0
Sixteen whole rupees of 1840	
One half rupee of 1835	
Seven half rupees of 1840	
One ball metal chunnám pot	0 8 0

All persons claiming the treasure or any portion thereof are directed to appear personally or by agent before the Collector of Malabar at Calicut on the 20th May 1913 at 11 A.M. and establish their claims.

Malabar Collector's Office, Calicut,
4th January 1913.

C. A. INNES,
Ag. Collector.

It is hereby notified, under section V of the Indian Treasure Trove Act VI of 1878, that on the 6th day of October 1912 treasure consisting of the undermentioned articles valued Rs. 80 were found in the tank bed of Cheruvanki tank of Erthangal village, Gudiyattam taluk, North Arcot district. All persons claiming the said treasure or any part thereof are hereby required to appear personally or by agent before the Collector of North Arcot at his office in Vellore on the 8th day of July 1913 in order to the matter being enquired into and determined in accordance with the provisions of the Act.

Description of property.	Value.
	Rs. A. P.
1. Two circular gold pieces	80 0 0
2. Six circular gold pieces (once converted into bangles)	
3. One gold saradu (do.)	
4. One gold saradu about 3 inches in length	
5. Five silver bars (inferior metal)	

North Arcot Collector's Office,
18th January 1913.

N. E. MARJORIBANKS,
Collector.

Notice is hereby given, under section 5 of the Indian Treasure Trove Act VI of 1878, that treasure consisting of the undermentioned gold coins, etc., to the value of Rs. 133-12-0 was found in a metal vessel in December last in patta land S. No. 140, dry, of Tirnchitrambalam village, Tenkasi taluk, belonging to one Sivaramakrishna Aiyer of Sundarapandiapuram village :—

Serial number.	Description of articles	Number of coins, etc.	Estimated value.	Month on which found	Persons by whom found.
			Rs. A. P.		
1	Old gold coins ..	16	116 4 0	December 1912	Vairavan, Pattan, Paramathan, Pichai, Kasandan, Kuttan, Madan, Madan, Sankarlingam Pathan, Madan, Sadhikasadan, Karuppan and Muthan.
2	A heap gold molten mass ..	1	14 0 0		
3	Small pieces of gold	8	1 8 0		
4	A circular flattened metal vessel ..	1	..		
	Total ..		133 12 0		

All persons claiming the said treasure or any part thereof are hereby required to appear personally or by agent duly authorized before the Collector of Tinnevelly at his office at Kokkarkulam on the 7th July 1913 in view to the claim being enquired into and determined according to law.

Tinnevelly Collector's Office,
17th February 1913.

J. C. MOLONY,
Collector.

Under section 5 of Act VI of 1878, notice is hereby given that on 13th July 1912 three gold neoklets of the value of Rs. 11 were found by cow-herds buried in the ground by the side of a bank adjoining of the value of Rs. 11 were found by cow-herds buried in the ground by the side of a bank adjoining a Local Fund punta of proprietary Pedapudi, Razole taluk of the Godavari district. All persons claiming the treasure or any part thereof are hereby required to appear personally or by agent before the Collector, Godavari, at Cocanada on 15th August 1913 to establish their claim to the same.

Godavari Collector's Office,
17th March 1913.

E. B. ELWIN,
Collector.

Figures showing the Births and Deaths registered in the Municipalities of the Madras Presidency containing 25,000 Inhabitants and upwards and in the Ootacamund Municipality for the week ending 12th April 1913.

Municipalities	Population according to the Census of 1911.	BIRTHS. Class: Christians	Hindus	Mahomedans	Other classes	Total Births. M.	F.	Total.	DEATHS. Class: Christians	Hindus	Mahomedans	Other classes	Total Deaths. M.	F.	Total.	Causes of Death: Cholera	Small-pox	Plague	Fevers	Bowel complaints	Injuries	All other causes	Rates per 1,000 of population per annum. Total Births	Total Deaths.
Madura ..	134,350	1	80	5	..	45	41	86	1	65	4	..	50	27	60	..	..	..	12	4	3	..	34	33·4	23·3
Trichinopoly ..	123,542	5	48	10	..	32	32	64	6	53	16	..	42	34	77	1	..	..	10	12	..	1	53	27·0	32·6
Calicut ..	78,417	3	21	26	2	28	23	51	1	19	27	..	19	28	47	..	..	..	3	6	6	..	32	34·9	24·3
Kumbakonam ..	64,047	..	28	3	..	17	14	31	..	41	1	..	23	18	42	..	1	..	11	4	1	..	25	25·0	33·9
Tanjore ..	60,541	2	31	2	..	17	18	35	1	20	7	..	14	14	28	..	..	..	5	3	..	..	20	30·2	24·2
Negapatam ..	60,168	3	10	7	..	5	15	20	..	36	11	..	16	28	44	8	..	..	12	8	1	..	24	17·3	35·9
Salem ..	59,153	1	53	4	..	30	28	58	3	28	1	..	14	23	29	..	..	..	3	6	3	1	27	31·1	34·4
Cuddalore ..	56,574	2	28	2	..	18	14	32	..	23	1	..	19	8	27	..	..	..	2	..	2	..	23	29·5	24·9
Coconada ..	54,110	..	18	1	..	10	9	19	1	14	4	..	8	9	17	..	..	..	3	2	1	1	7	18·3	16·4
Conjeeveram ..	53,864	..	30	3	..	21	12	33	..	67	1	..	17	21	38	..	..	..	2	6	1	..	28	31·9	36·8
Vellore ..	49,716	..	22	7	..	13	16	29	..	15	0	..	8	13	21	..	..	..	..	6	2	..	11	30·4	22·0
Rajahmundry ..	48,117	..	18	3	..	8	13	21	..	15	..	..	8	8	16	..	1	..	3	1	2	..	9	22·6	16·2
Mangalore ..	48,412	13	10	8	..	14	12	26	7	10	0	..	13	23	29	..	..	..	..	7	2	..	9	28·0	32·2
Coimbatore ..	47,067	1	13	1	..	10	7	17	..	23	..	..	13	8	25	..	..	..	..	5	6	..	15	18·9	25·5
Palamcottah ..	44,809	9	21	10	..	17	17	34	4	14	6	..	10	14	24	..	..	..	3	3	3	..	10	32·5	27·8
Tinnevelly ..	44,805	..	32	9	..	21	20	41	1	16	4	..	10	11	21	..	..	..	3	3	..	..	16	47·7	24·4
Palghat ..	44,310	..	25	4	..	14	15	29	1	17	3	..	14	9	23	..	..	..	4	4	3	..	15	34·1	27·1
Vizagapatam ..	43,413	1	11	..	..	6	6	12	1	19	..	..	15	5	20	..	2	..	3	4	..	..	8	14·4	25·6
Masulipatam ..	42,123	..	20	2	..	12	10	22	..	18	..	..	11	5	16	..	3	..	1	..	..	..	12	27·2	19·8
Guntur ..	40,629	..	13	3	..	8	10	18	2	13	6	..	14	7	21	..	2	..	2	2	..	..	15	24·4	27·0
Tuticorin ..	40,155	11	18	3	..	22	9	31	3	17	8	..	12	11	23	..	..	..	4	3	3	..	15	40·2	28·6
Ellore ..	37,810	..	19	2	..	13	8	21	..	18	4	..	13	9	22	..	3	..	8	..	..	1	10	29·0	20·9
Vizianagram ..	37,650	..	16	2	..	11	7	18	2	8	2	..	5	7	12	..	..	..	5	6	..	1	25·0	16·4
Bellary ..	36,356	2	18	16	..	18	18	36	2	18	20	..	25	14	40	..	..	..	1	5	7	2	25	53·7	58·7
Nellore ..	36,210	1	12	..	..	8	4	13	..	18	2	..	6	12	18	..	..	..	4	2	..	..	12	20·4	28·2
Bezwada ..	32,867	1	23	3	..	9	8	17	1	16	1	..	8	10	18	..	..	..	2	2	2	..	12	27·0	28·8
Adoni	31,645	..	15	7	..	10	12	22	..	13	3	..	7	11	18	..	..	..	1	1	..	..	16	36·3	30·0
Berhampur ..	31,456	..	9	..	..	7	2	9	..	8	..	..	5	3	8	..	..	..	4	2	..	..	2	14·9	13·3
Tellicherry ..	29,268	..	8	5	..	8	6	10	..	12	13	..	9	6	25	..	..	..	5	2	4	..	14	17·8	14·6
Srivilliputtur ..	29,068	1	18	1	..	11	8	20	1	9	..	..	4	6	10	..	..	..	..	1	1	..	8	35·9	17·8
Cannanore ..	28,857	1	6	4	..	6	5	11	1	8	3	..	5	5	7	..	1	..	2	..	..	..	4	19·8	12·8
Mayavaram ..	27,121	1	15	..	..	10	8	14	1	8	..	..	7	3	10	..	..	..	3	..	..	..	6	30·8	19·2
Karnool ..	26,040	..	11	12	..	9	14	23	..	6	14	..	9	13	22	..	..	..	10	2	..	..	5	46·1	44·1
Dindigul ..	25,052	1	15	3	..	13	3	22	1	8	..	..	4	5	9	1	..	..	..	2	..	..	3	45·8	18·7
Ootacamund ..	18,329	6	7	2	6	8	13	20	3	5	2	4	5	6	14	..	..	..	..	2	1	..	11	56·4	38·6
Total ..	1,662,943	62	782	205	8	509	453	962	46	867	275	4	760	410	890	6	12	14	141	112	64	8	543	30·4	27·9

Office of Sanitary Commissioner, Madras,
5th May 1913.

N. ANNAJI RAO, *Manager and Assistant,*
Office of Sanitary Commissioner, Madras.

Statement showing Plague Seizures and Deaths in each district of the Madras Presidency from August 1898 to 3rd May 1913

No.	Districts.	First period (August 1898 to June 1901).		Second period (July 1901 to June 1902).		Third period (July 1902 to June 1903).		Fourth period (July 1903 to June 1904).		Fifth period (July 1904 to June 1905).		Sixth period (July 1905 to June 1906).		Seventh period (July 1906 to June 1907).		Eighth period (July 1907 to June 1908).		Ninth period (July 1908 to June 1909).		Tenth period (July 1909 to June 1910).		Eleventh period (July 1910 to June 1911).		Twelfth period (July 1911 to June 1912).		Thirteenth period (July 1912 to June 1913).		Fourteenth period (July 1913 to June 1914).		Fifteenth period (1st July 1914 to 3rd May 1915).		Grand Total.		No.
		Seizures.	Deaths.	Seizures.	Deaths.	Seizures.	Deaths.	Seizures.	Deaths.	Seizures.	Deaths.	Seizures.	Deaths.	Seizures.	Deaths.	Seizures.	Deaths.	Seizures.	Deaths.	Seizures.	Deaths.	Seizures.	Deaths.	Seizures.	Deaths.	Seizures.	Deaths.	Seizures.	Deaths.	Seizures.	Deaths.	Seizures.	Deaths.	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35
1	Anantapur	726	699	1	1	9	9	91	92	199	199	1,004	1,004	1,721	1,544	7	6	19	6	251	222	84	56	1	1	18	13	661	599	599	564	5,000	4,637	1
2	Bellary	253	277	175	89	4	3	9,878	9,128	6,885	6,000	9,004	7,054	10,972	8,616	2,000	2,139	700	332	2,704	2,261	818	1,167	7	4	1,198	813	11,257	10,140	451	349	45,849	43,710	2
3	Chingleput	8	8	4	4	3	3	7	1	11	0[illegible]	15	10	9	3	6	3	7	3	13	13	4	3	3	1	3	3	...	...	2	2	89	62	3
4	Chittoor	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	3	3	131	111	177	153	311	267	4
5	Coimbatore	4	1	45	38	...	...	495	399	618	210	4,389	1,193	3,078	2,211	717	264	1	0	279	143	1,194	1,209	4,181	2,473	1,001	1,850	2,505	1,190	1,764	1,196	21,189	12,772	5
6	Cuddapah	1	1	1	...	...	...	3	3	...	...	401	274	93	70	3	3	...	...	1	1	3	1	1	...	...	...	1	1	420	280	827	704	6
7	Ganjam	...	...	1	...	1	1	...	...	...	...	11	7	20	5	...	...	...	...	3	3	1	1	1	1	4	1	...	...	8	5	53	17	7
8	Godavari	...	...	...	...	...	...	...	...	...	...	...	...	4	...	...	...	...	...	1	...	...	...	...	...	...	...	6	7	3	1	35	19	8
9	Guntur	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	1	...	...	...	...	...	...	...	...	...	...	...	1	...	9
10	Kistna	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	1	1	4	3	8	4	10
11	Kurnool	731	148	...	...	...	...	18	3	910	453	771	311	861	175	3	3	...	...	1	1	...	...	...	...	4	4	4	4	...	...	1,530	979	11
12	Madras City	10	11	2	...	...	...	2	4	34	13	19	13	3	1	71	67	1	0	3	3	0	0	0	0	7	3	...	...	...	...	169	120	12
13	Madura	1	...	...	...	...	...	3	1	...	...	3	0	17	13	3	3	...	...	3	3	3	3	35	26	1,000	1,000	3	3	9	3	1,081	1,121	13
14	Malabar	...	...	...	...	...	...	...	...	...	...	7	7	13	9	41	41	20	20	199	011	90	70	903	705	199	199	3	3	12	10	1,309	1,259	14
15	Nellore	3	3	...	...	...	...	...	...	5	1	...	...	...	...	...	...	...	...	1	1	...	...	...	...	...	...	...	...	...	...	13	9	15
16	Nilgiris, Tda	1	1	...	...	...	...	...	...	1	...	...	...	3	...	...	...	...	...	1	1	...	...	...	...	...	...	...	...	...	...	...	...	16
17	North Arcot	886	661	18	11	61	45	1,013	1,001	3,199	836	1,006	1,339	776	503	61	60	19	8	64	31	11	11	18	8	146	104	1,007	959	1,007	1,000	9,569	7,440	17
18	Ramnad	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	5	1	...	...	...	...	5	1	18
19	Salem	861	806	819	487	1,008	1,119	1,006	1,004	4,006	4,007	1,006	912	803	1,000	191	88	207	211	1,006	911	800	398	183	118	4,111	4,000	1,000	1,196	197	224	32,851	17,700	19
20	Shiah Arcot	...	...	6	4	1	...	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	20
21	South Canara	1	1	1	...	1	1	60	6	1,000	99	105	670	710	45	223	170	156	16	121	104	101	102	101	70	100	100	206	206	206	206	4,100	3,414	21
22	Tanjore	...	...	...	...	...	...	...	...	1	...	3	...	3	1	...	...	...	...	3	3	3	3	1	1	4	4	1	1	1	1	20	13	22
23	Tinnevelly	...	...	...	...	...	...	...	...	...	...	1	...	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	23
24	Trichinopoly	7	4	...	...	...	...	...	...	...	...	...	...	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	13	7	24
25	Tuticorin	...	...	...	...	...	...	...	...	...	...	...	...	3	...	...	...	...	...	...	...	...	...	...	...	35	32	...	...	1	1	100	76	25
26	Vizagapatam	...	...	...	...	...	...	...	...	...	...	...	...	21	3	...	...	...	...	...	...	...	...	1	1	1	1	...	...	...	...	11	9	26
27	Cochin State	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	155	103	...	...	158	156	27
28	Travancore State	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	1	1	...	...	...	...	1	1	28
29	Hanganapalle State.	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	29
30	Pudukottai State.	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	30
	Total	2,904	2,000	1,111	854	1,000	1,271	0,958	0,187	17,011	14,000	30,011	16,512	19,071	14,000	5,005	3,000	911	671	6,371	5,000	3,110	2,000	3,000	3,000	3,000	2,000	18,000	16,000	3,000	4,100	190,005	99,000	

STATEMENT showing Plague Seizures and Deaths in each infected place in the Madras Presidency for three weeks ending 3rd May 1913.

Places and Total.	Reported during the week ending 19th April 1913.						Reported during the week ending 26th April 1913.						Reported during the week ending 3rd May 1913.					
	Imported.		Indigenous.		Total.		Imported.		Indigenous.		Total.		Imported.		Indigenous.		Total.	
	Seizures.	Deaths.	Seizures.	Deaths.	Seizures.	Deaths.	Seizures.	Deaths.	Seizures.	Deaths.	Seizures.	Deaths.	Seizures.	Deaths.	Seizures.	Deaths.	Seizures.	Deaths.
Anantapur district	—	—	—	—	—	—	—	—	1	—	1	—	—	—	1	0	1	0
Bellary district	—	—	—	—	—	—	—	—	—	—	—	—	—	—	1	1	1	1
Chittoor district	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Chumbakum district	—	—	—	3	3	3	3	—	2	5	2	5	—	—	3	3	3	3
Cuddapah town	1	1	—	—	1	1	1	—	—	—	1	—	1	1	—	—	1	1
Cuddapah district	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Ganjam district	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Godavari district	—	—	—	—	—	—	1	—	—	—	1	—	—	—	—	—	—	—
Malabar district	1	1	—	—	1	1	—	—	—	—	—	—	—	—	—	—	—	—
North Arcot district	—	—	3	3	3	3	—	—	6	2	6	2	—	—	2	2	2	2
Salem district	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
South Canara district	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Mangalore town	—	—	11	12	11	12	—	—	6	7	6	7	—	—	5	4	5	4
Tuticorin district	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—	—
Total	1	1	10	12	21	10	1	—	18	15	17	15	1	1	22	15	23	16

Office of Sanitary Commissioner, Madras,
5th May 1913.

W. A. JUSTICE, Capt., I.M.S.,
Sanitary Commissioner for Madras.

JUDICIAL NOTIFICATIONS.

APPRENTICES EXAMINATION, APRIL 1913.

The following candidates are declared to have passed the Apprentices Examination, April 1913.

Rank	Register number	Names	Marks
1	74	Satyanarin, S	140
2	46	Paramaswara Aiyar, A.	135
3	32	Madhava Aiyar, K. K.	131
4	75	Sitaraman, C.	130
5	58	Subramanyam, S. P.	126
6	3	Ittenan Unny, T.	124
7	98	Satyanatha Aiyar, R.	122
8	59	adanya Rao, K.	122
9	57	Ramachandra Aiyar, S. S.	121
	105	Venkata Rao, K. S.	
11	28	Kuppuswami, T. S.	120
	29	Kuttikrishna Menon, A. V.	
	109	Viswanatha Aiyar, S.	
14	53	Rajagopalam, R.	118
	76	Subramanyam, A. N.	
16	5	Chakrapani Naidu, W.	117
17	1	Ananda Rao, T.	116
18	65	Rangayya, A.	114
19	54	Raghunatha Rao, P. S.	113
20	2	Ananthakrishnan, A.	111
21	37	Mathuswami, S. K.	110
23	21	Lakshminarayana Aiyar, C. S.	108
23	30	Nallaswan Pillai, T.	107
	6	Sivaramayya Rao, K.	
	11	Gopalakrishna, K. G.	
	71	Kuttappa, A.	
28	69	Ramanuja Chari, C. V.	106
	73	Satyamurti, M.	
	108	Vijayaraghavan, N. C.	

Rank.	Register number	Names.	Marks.
30	17	Jagannathan, K.	105
	18	Janakiramy Aiyar, P. S.	
	61	Sreenivasa Chari, K. K.	
33	28	Kumarachakravarti, C.	104
	34	Madhavanya Mudaliar, C.	
	43	Narayana Aiyar, T. S.	
	49	Subramania Aiyar (Krishna).	
37	46	Narayana Menon, M.	101
38	51	Podda Raj, P.	100
	85	Subbiah Pillai, T. A.	
40	89	Narasimha Aiyar, N. P.	99
	100	Swaminatha Aiyar, S.	
42	10	Jagannatha Chari, N.	98
	42	Narasimham, K.	
	96	Subramanyam, V. V.	
45	10	Kashapeswara Aiyar, V.	97
46	23	Krishna Aiyar, S.	96
	47	Narayanaswami, P. S.	
	81	Rama Rao, U.	
	88	Rangasami, S.	
	90	Subramanya Aiyar, R.	
	94	Subramanyam, S.	
	102	Vaidyalinga Aiyar, P. K.	

High Court of Judicature, Madras,
2nd April 1913.

A. DAVIES,
Deputy Registrar.

NOTICE.

A will and a codicil bearing dates 24th and 25th March 1913, respectively, and purporting to have been executed by the late Allur Pichi Reddy, son of Pedda Subba Reddy of Vakkadu village, Gudur taluk, Nellore district, who lastly lived at Mylapore, Madras, has been presented for registration in this office on the 12th April 1913, by M. Subba Reddy, one of the divisees under the above will, whereas, it has been decided to hold an enquiry into the genuineness of the said will in this office on the 5th June 1913, persons wishing to contest have to appear in this office on the said date and state their objections if any. No notice will be taken of any objection preferred after that date.

Sub-Registrar's Office, South Madras,
30th April 1913.

B. RAJAGOPALA CHETTY,
Ag Sub-Registrar.

ADJOURNMENT OF COURT.

In modification of this Court's notification, dated the 21st February 1913, and published at page 469 of the *Fort St George Gazette*, Part II, dated 4th March 1913, notice is hereby given that the District and Sessions Court of South Arcot will be closed for the annual recess for two months from Monday the 28th April 1913 to Saturday the 28th June 1913, both days inclusive.

The notification, dated the 21st February 1913, remains unaltered with regard to the vacation of the District Munsifs' Courts in this district.

District and Sessions Court, Cuddalore,
19th April 1913.

F. H. HAMNETT,
District Judge.

IN THE HIGH COURT OF JUDICATURE AT MADRAS.

IN INSOLVENCY.

A dividend is intended to be declared in the undermentioned matters. All creditors who are mentioned in the debtors' schedule but have not yet proved their debts are hereby notified that if they do not prove their debts before the 26th day of May 1913, they will be excluded from this dividend.

Schedule No.	Estate.	Number of dividends.
28 of 1912 ..	D. R. Abraham	First.
91 of 1910 ..	A. E. Bin second petitioner	Second.
305 of 1910 ..	P. M. Ennyathalla Saib & Co.	Do.
10 of 1910 ..	Ghulam Qadir Saib, S. M. Abdulla Saib and Ghulam Moideen Saib ..	First
140 of 1911 ..	C. Govindasamy Naidu, C. Parthasarathy Naidu and C. Sivaramulu Naidu	Do.
190 of 1910 ..	R. J. Lakay	Do
143 of 1912 ..	K. Natesa Iyer	Do
58 of 1910 ..	I. Narayana Chetty	Do.
197 of 1911 ..	K. Rama Row alias Rama Reyer	Do.
180 of 1912 ..	T. M. Rangasamy Naidu and T. M. Chinnasamy Naidu ..	Do.
182 of 1912 ..	M. A. Samad of the Carnatic Warehouse	Do.

Dated this 28th day of April 1913.

J. R. B. BRANSON,
Official Assignee.

IN THE HIGH COURT OF JUDICATURE AT MADRAS.

IN INSOLVENCY.

In pursuance of orders of this Court made in the matter of the undermentioned insolvent debtors and respectively, dated 17th day of March 1913, it is ordered that the said insolvents be discharged in respect of all debts provable in their insolvencies :—

Number.	Names of insolvents.	Date of discharge
107 of 1910 ..	P. Lakshmiramayana Chetti	17th March 1913.
266 of 1911 ..	J. B. Vanpell	Do.
210 of 1912 ..	Ata Mahomed Saib	Do.
228 of 1910 ..	V. Ramaswami Mudali	Do.
254 of 1910 ..	M. Narayana Singh	Do.
190 of 1912 ..	T. P. Mahomed Ebrahim Saib	Do.

Official Assignee's Office, Madras,
30th April 1913.

J. R. B. BRANSON,
Official Assignee.

INSOLVENCY PETITIONS.

No. 12 of 1913 in the Court of the District Judge at Cuddapah.

Proddatur Veera Subbayya and Kunisetti Chinna Venkata Subbayya (first of Thallamarpuram, second of Proddatur, Proddatur taluk, Cuddapah district) .. .. *Petitioners.*
Gangireddi Mannayya, son of Pichayya of Thallamarpuram, Proddatur taluk .. .. *Respondent.*

Notice is hereby given under clause 2 of section 12 of Act III of 1907 that the abovenamed petitioners have applied to this Court to declare the respondent insolvent and that the application is posted to the 28th July 1913 for hearing.

District Court, Cuddapah,
3rd May 1913.

V. SUBRAMANYAM PANTULU,
District Judge.

No. 6 of 1913 in the Court of the District Munsif of Cuddalore.

Govindasami Naicken .. .. *Petitioner.*
Krishna Reddi (minor) by next friend Mr. V. Raju Mudaliar and two others .. .. *Respondents.*

Notice is hereby given that the abovenamed petitioner Govindasami Naicken, son of Jagannada Naicken, residing at Padupalayam, hamlet of Manjakuppam, Cuddalore taluk, has been adjudged an insolvent by this Court on the 3rd day of May 1913.

District Munsif's Court, Cuddalore,
5th May 1913.

R. A. KRISHNASWAMI AIYAR,
District Munsif.

No. 5 of 1913 in the Court of the District Munsif, Gooty.

Jilla Bali Reddi, son of Sidda Reddi of Brahmanapalli taluk, Gooty. *Petitioner*
Kummetha Kesanna and seven others .. .. *Respondents.*

Take notice that the abovenamed petitioner has applied to this Court for being declared insolvent and it is posted to 19th June 1913 for hearing.

District Munsif's Court, Gooty,
2nd May 1913.

K. SAMBASIVA RAU NAYUDU,
District Munsif.

No. 3 of 1913 on the file of the Court of the District Munsif, Kulittalai.

Palani Chetti son of Perumal Chetti, residing at Thogaimalai, Kulittalai taluk .. .. *Petitioner.*
Arumugappa Chettiar and seven others .. .. *Counter-petitioner*

Notice is hereby given that the petitioner named above has applied to this Court under section 12, clause 2 of Act III of 1907, for being declared an insolvent and that his application is posted to 26th June 1913 for hearing. Any creditor wishing to oppose the same may appear before this Court on the day of hearing either in person or by pleader.

District Munsif's Court, Kulittalai,
28th April 1913.

K. R. KRISHNASWAMI AIYANGAR,
District Munsif.

No. 2 of 1912 in the Court of the District Judge, North Malabar.

Peedikallakath Koyotti Haji of Badagara town .. .. .. *Petitioner.*
Thayerannathenkandiyil Ammad and seventy-eight others .. .. *Creditors.*

Notice is hereby given, under section 18, clause 7 of the Provincial Insolvency Act, that the above petitioner Peedikallakath Koyotti Haji of Badagara, has been adjudged an insolvent on the 26th March 1913 and that the Deputy Nazir of Badagara District Munsif's Court, has been appointed a receiver of the insolvent's property and that the creditors are to prove their claims at an early date.

District Court, North Malabar,
1st May 1913.

S. G. ROBERTS,
District Judge.

No. 2 of 1913 (Small Cause Suit No. 704 of 1911) in the Court of the District Munsif, Narasaraopet.

Yelchuru Veerabhadrayya .. .. *Petitioner.*
Tummalapenta Appisetti, son of Kotamsetti, and fourteen others .. *Respondents.*

Notice is hereby given, under clause 2 of section 12 of Act III of 1907, that the abovenamed petitioner has applied for being declared insolvent and that his application is posted for hearing to 2nd July 1913.

Any creditor wishing to oppose the same may appear before this Court in person or by pleader at 10 A.M. on the said date.

District Munsif's Court, Narasaraopet,
21st April 1913.

S. T. JAGANNATHA RAO,
Ag. District Munsif.

No. 7 of 1913 in the Court of the District Munsif, Paramagudi

Nasir Mahamed Sahib, son of Syed Kadi Pillai at Keelakarai, Ramnad taluk .. .. *Petitioner.*

Notice under section 12, clause 2 of Act III of 1907 (Provincial Insolvency Act), is hereby given that the abovenamed petitioner has applied to this Court for being adjudged an insolvent and the petition stands posted to 25th June 1913.

Any creditor wishing to object may appear before the Court on that date either in person or by pleader

District Munsif's Court, Paramagudi, 3rd May 1913. R. KRISHNASAMI RAJU, *Vacation Officer.*

No. 4 of 1911 on the file of the District Munsif's Court, Chidambaram, in the Court of the Official Receiver, South Arcot.

Ramachandra Chetti .. .. *Insolvent.*
J. Srinivasa Chetti and eighteen others .. .. .. *Creditors*

Notice is hereby given under section 39 (4) of Act III of 1907, that such of the creditors of the abovenamed insolvent who have not yet proved their debts should do so on or before the 19th July 1913 at 7 A.M. failing which a final dividend will be distributed without regard to their claim.

Official Receiver's Court, Cuddalore, 2nd May 1913. A. CHAKRAPANI AIYAR, *Official Receiver.*

No. 35 of 1911 (No. 16 of 1910 on the file of the District Court, South Arcot) in the Court of the Official Receiver, South Arcot

In the matter of the Insolvency of Thambirakkannu Chetti.

Notice is hereby given, under section 39 (4) of Act III of 1907, that such of the creditors of the abovenamed insolvent who have not yet proved their debts should do so on or before 28th June 1913 at 7 A.M., failing which a final dividend will be distributed without regard to their claim.

Official Receiver's Court, Cuddalore, 2nd May 1913. A. CHAKRAPANI AIYAR, *Official Receiver.*

No. 3 of 1912 (No 12 of 1911 on the file of the District Munsif's Court of Panruti) in the Court of the Official Receiver, South Arcot.

In the matter of the insolvency of Duraisharriar

Notice is hereby given, under section 39 (4) of Act III of 1907, that such of the creditors of the abovenamed insolvent who have not yet proved their debts should do so on or before 19th July 1913 at 7 A.M., failing which a final dividend will be distributed without regard to their claim.

Official Receiver's Court, Cuddalore, 2nd May 1913 A. CHAKRAPANI AIYAR, *Official Receiver.*

No. 3 of 1912 (on the file of the District Munsif's Court, Chidambaram) in the Court of the Official Receiver, South Arcot.

Nataraja Aiyar .. .. *Insolvent.*
Srinivasa Aiyar and four others .. .. *Creditors*

Notice is hereby given, under section 39 (4) of Act III of 1907, that such of the creditors of the abovenamed insolvent who have not yet proved their debts should do so on or before the 19th July 1913 at 7 A.M., failing which a final dividend will be distributed without regard to their claim

Official Receiver's Court, Cuddalore, 2nd May 1913. A. CHAKRAPANI AIYAR, *Official Receiver.*

No. 21 of 1912 (No 3 of 1912 on the file of the District Munsif's Court, Chidambaram) in the Court of the Official Receiver, South Arcot.

In the matter of the insolvency of Muruga Chetti

Notice is hereby given, under section 39 (4) of Act III of 1907, that such of the creditors of the abovenamed insolvent who have not yet proved their debts should do so on or before 19th July 1913 at 7 A.M., failing which a final dividend will be distributed without regard to their claim.

Official Receiver's Court, Cuddalore, 2nd May 1913. A. CHAKRAPANI AIYAR, *Official Receiver.*

No 38 of 1912 (No 7 of 1912 on the file of the District Munsif's Court, Panruti) in the Court of the Official Receiver, South Arcot.

Narayana Padayachi .. .. *Petitioner.*
Natta Manoka Mudali and thirteen others .. .. .. *Respondents.*

Notice is hereby given, under clause (7) of section 18 of Act III of 1907, that Narayana Padayachi, son of Govinda Padayachi, residing at Pethankuppam, hamlet of Vilnagulpet, Cuddalore taluk, the petitioner above named, was adjudged insolvent by this Court on 28th April 1913; and the creditor

are called upon to prove their debts on or before the 5th July 1913 at 7 A.M. by delivering or sending by registered post an affidavit in Form No. 3 of the Madras Provincial Insolvency Rules, 1908.

Official Receiver's Court, Cuddalore, 2nd May 1913. A. CHAKRAPANI AIYAR, *Official Receiver.*

No. 26 of 1913 (No. 8 of 1913 on the file of the District Munsif's Court, Chidambaram) in the Court of the Official Receiver, South Arcot.

Ekambara Padayachi .. .. *Petitioner.*
Muthukumara Mudali and seventeen others .. .. .. *Respondents.*

Notice is hereby given, under clause (2) of section 12 of Act III of 1907, that Ekambara Padayachi, son of Govinda Padayachi, residing at Puvalangudi, Vriddhachalam taluk, has applied for being declared an insolvent and that his application is posted for hearing to 12th July 1913. Any creditor wishing to oppose the same may appear before this Court either in person or by pleader at 7 A.M. on the said date.

Official Receiver's Court, Cuddalore, 2nd May 1913. A. CHAKRAPANI AIYAR, *Official Receiver.*

No. 21 of 1913 (No. 1 of 1913 on the file of the District Munsif's Court, Villupuram) in the Court of the Official Receiver, South Arcot.

K. Subramania Aiyar .. .. *Petitioner,*
Viswanatha Aiyar, agent of Sinnia Chetti, and seven others .. *Respondents.*

Notice is hereby given, under clause (7) of section 16 of Act III of 1907, that K. Subramania Aiyar, son of Krishna Aiyar, residing at Cuddah Villupuram, Villupuram taluk, the petitioner above named, was adjudged insolvent by this Court on 26th April 1913, and the creditors are called upon to prove their debts on or before the 12th July 1913 at 7 A.M. by delivering or sending by registered post an affidavit in Form No. 3 of the Madras Provincial Insolvency Rules, 1908.

Official Receiver's Court, Cuddalore, 2nd May 1913. A. CHAKRAPANI AIYAR, *Official Receiver.*

No. 30 of 1912 (No. 3 of 1912 on the file of the District Court, Tanjore) in the Court of the Official Receiver, Tanjore.

Subbacharlar, son of Kamarakkudy Seshagiri Rayar, residing in Chakrapani Sannadhi Street, Kumbakonam .. .. .. *Petitioner.*
Arunachalam Chettiyar and others .. .. *Respondents.*

Notice is hereby given, under section 16, clause 7 of Act III of 1907, that the petitioner above named was adjudged insolvent by an order of this Court, dated 27th March 1913.

The creditors of the above-named insolvent should prove their claims as soon as possible. A claim may be proved by delivering or sending by post in a registered letter an affidavit in Form No. 3 of the Madras Provincial Insolvency Rules, 1908.

Official Receiver's Court, Tanjore, 29th April 1913. O. S. RAMACHANDRA AIYAR, *Official Receiver.*

No. 58 of 1912 (No. 10 of 1913 on the file of the District Court, Tanjore) in the Court of the Official Receiver, Tanjore.

C.w. Parthasarathi Nayudu, son of Venkatarama Nayudu, residing in Medapuram, Tiruvelur Munsift .. .. *Petitioner,*
ex Ramachandram Pillai and others .. .. *Respondents.*

Notice is hereby given, under section 16, clause 7 of Act III of 1907, that the petitioner above-named was adjudged insolvent by an order of this court, dated 17th March 1913.

The creditors of the abovenamed insolvent should prove their claims as soon as possible. A claim may be proved by delivering or sending by post in a registered letter an affidavit in form No. 3 of the Madras Provincial Insolvency Rules, 1908.

Official Receiver's Court, Tanjore, 29th April 1913 O. S. RAMACHANDRA AIYAR, *Official Receiver.*

No. 68 of 1912 (No. 16 of 1912 on the file of the District Court, Tanjore) in the Court of the Official Receiver, Tanjore.

Krishnaswami Aiyangar, son of Vadaker Gopala Aiyangar, residing in Tope street, Kumbakonam .. .. *Petitioner,*
ex p. C.w. Ramasami Chettiar and others .. .. .. *Respondents.*

Notice is hereby given, under section 16, clause (7) of Act III of 1907, that the petitioner above-named was adjudged insolvent by an order of this Court, dated 19th March 1913.

The creditors of the abovenamed insolvent should prove their claim as soon as possible. A claim may be proved by delivering or sending by post in a registered letter an affidavit in form No. 3 of the Madras Provincial Insolvency Rules, 1908.

Official Receiver's Court, Tanjore, 29th April 1913. O. S. RAMACHANDRA AIYAR, *Official Receiver.*

No 76 of 1912 (No 14 of 1912 on the file of the District Munsif's Court, Kumbakonam) in the Court of the Official Receiver, Tanjore.

Arumugham Pillai, son of Salla Perumal Pillai, residing in Chetty Puthu Street, Pattai, Kumbakonam .. .. *Petitioner.*
Ponnambala Padayachi and others .. .. *Respondents.*

Notice is hereby given, under section 16, clause 7 of Act III of 1907, that the petitioner above named was adjudged insolvent by an order of this Court, dated 26th April 1913.

The creditors of the abovenamed insolvent should prove their claims as soon as possible. A claim may be proved by delivering or sending by post in a registered letter an affidavit in Form No. 3 of the Madras Provincial Insolvency Rules, 1909.

Official Receiver's Court, Tanjore, 29th April 1913. O. S. RAMACHANDRA AIYAR, *Official Receiver.*

No. 80 of 1912 (No 19 of 1912 on the file of the District Court, Tanjore) in the Court of the Official Receiver, Tanjore.

R. Srinivasa Row, son of Rama Chariar, residing at Melo Kapistalam, Papanasam taluk .. .. *Petitioner*
& co. Q.m. S. *&* Veiravan Chettiar and others .. .. .. *Respondents.*

Notice is hereby given, under section 16, clause (7) of Act III of 1907, that the petitioner above named was adjudged insolvent by an order of this Court, dated 12th April 1913.

The creditors of the abovenamed insolvent should prove their claims as soon as possible. A claim may be proved by delivering or sending by post in a registered letter an affidavit in Form No. 3 of the Madras Provincial Insolvency Rules, 1909.

Official Receiver's Court, Tanjore, 29th April 1913. O. S. RAMACHANDRA AIYAR, *Official Receiver.*

No. 2 of 1913 (No 1 of 1913 on the file of the District Munsif's Court, Negapatam) in the Court of the Official Receiver, Tanjore.

Kothandaramaier son of Vaithinathaier, residing in Negapatam .. *Petitioner.*
&. *&.* Ponnusami Pillai and others .. .. *Respondents.*

Notice is hereby given, under section 16, clause 7 of Act III of 1907, that the petitioner above named was adjudged insolvent by an order of this Court, dated 15th March 1913.

The creditors of the abovenamed insolvent should prove their claims as soon as possible. A claim may be proved by delivering or sending by post in a registered letter an affidavit in Form No. 3 of the Madras Provincial Insolvency Rules, 1909.

Official Receiver's Court, Tanjore, 29th April 1913. O. S. RAMACHANDRA AIYAR, *Official Receiver.*

No 7 of 1913 (No. 8 of 1912 on the file of the Sub-Court, Mayavaram) in the Court of the Official Receiver, Tanjore.

Sarangan Pillai, son of Vasudeva Pillai, residing in North Main Street, Nachiyarkoil, Kumbakonam taluk .. .. *Petitioner*
(Minor) Narayanasami Nayudu and others .. .. .. *Respondents.*

Notice is hereby given, under section 16, clause 7 of Act III of 1907, that the petitioner abovenamed was adjudged insolvent by an order of this Court, dated 25th March 1913.

The creditors of the abovenamed insolvent should prove their claims as soon as possible. A claim may be proved by delivering or sending by post in a registered letter an affidavit in Form No. 3 of the Madras Provincial Insolvency Rules, 1909.

Official Receiver's Court, Tanjore, 29th April 1913. O. S. RAMACHANDRA AIYAR, *Official Receiver.*

No 8 of 1913 (No. 1 of 1913 on the file of the District Munsif's Court, Kumbakonam) in the Court of the Official Receiver, Tanjore

Venkatachala Kuchiraya, son of Lakshmana Kuchiraya, Rail Road Street, Kumbakonam .. .. *Petitioner.*
C. S. Narasimha Chariar .. .. *Respondent.*

Notice is hereby given, under section 16, clause 7 of Act III of 1907, that the petitioner above named was adjudged insolvent by an order of this Court, dated 20th March 1913.

The creditors of the abovenamed insolvent should prove their claims as soon as possible. A claim may be proved by delivering or sending by post in a registered letter an affidavit in Form No. 3 of the Madras Provincial Insolvency Rules, 1909.

Official Receiver's Court, Tanjore, 29th April 1913 O. S. RAMACHANDRA AIYAR, *Official Receiver.*

No. 10 of 1913 (No 6 of 1913 on the file of the District Munsif's Court, Kumbakonam) in the Court of the Official Receiver, Tanjore.

(1) Sankaramurtiya Pillai, son of Vaithinatha Pillai, residing in Paddy-shop Street, Pattai, Kumbakonam, and (2) Appathurai Pillai, son of first petitioner .. .. *Petitioners.*
M. C. Durasami Chettiar and others .. .. *Respondents.*

Notice is hereby given, under section 16, clause 7 of Act III of 1907, that the petitioners above named were adjudged insolvents by an order of this Court, dated 29th March 1913.

The creditors of the abovenamed insolvents should prove their claims as soon as possible. A claim may be proved by delivering or sending by post in a registered letter an affidavit in Form No 3 of the Madras Provincial Insolvency Rules, 1908.

Official Receiver's Court, Tanjore.
29th April 1913.

O. S. RAMACHANDRA AIYAR,
Official Receiver

No. 27 of 1913 (No. 1 of 1913 on the file of the District Munsif's Court, Mannargudi) in the Court of the Official Receiver, Tanjore.

Kuppusami Aiyangar, son of Kuthadai Tiruvenkatathaiyangar, residing in South Main Street, Gopalasamudram, Mannargudi .. *Petitioner.*
Vedanta Chariar *alias* Lakshmana Aiyangar and others .. .. *Respondents.*

Notice is hereby given, under section 13, clause 7 of Act III of 1907, that the petitioner above named was adjudged insolvent by an order of this Court, dated 18th April 1913.

The creditors of the abovenamed insolvent should prove their claims as soon as possible. A claim may be proved by delivering or sending by post in a registered letter an affidavit in Form No. 3 of the Madras Provincial Insolvency Rules, 1908.

Official Receiver's Court, Tanjore,
29th April 1913.

O. S. RAMACHANDRA AIYAR,
Official Receiver.

No. 29 of 1913 (No. 13 of 1912 on the file of the District Munsif's Court, Tanjore) in the Court of the Official Receiver, Tanjore.

Maruthu Pillai, son of Chidambaram Pillai, residing at Thirumbalapuram, Papanasam taluk .. .. *Petitioner.*
Venkulakshmi Ammal and others .. .. *Respondents.*

Notice is hereby given, under section 13, clause (7) of Act III of 1907, that the petitioner abovenamed was adjudged insolvent by an order of this Court, dated 4th April 1913.

The creditors of the abovenamed insolvent should prove their claims as soon as possible. A claim may be proved by delivering or sending by post in a registered letter an affidavit in Form No. 3 of the Madras Provincial Insolvency Rules, 1908.

Official Receiver's Court, Tanjore,
29th April 1913.

O. S. RAMACHANDRA AIYAR,
Official Receiver.

No. 8 of 1913 in the Court of the District Judge, Tinnevelly.

In the matter of P. V. M. Meeyakanna Rowther.

P. V. M. Meeyakanna Rowther .. .. *Petitioner.*
S. S. K. Chidambram Pillai and forty-nine others .. .. .. *Creditors.*

Notice is hereby given under clause 2 of section 12 of Act III of 1907 that P. V. M. Meeyakanna Rowther, son of Peer Mahideen Rowther, residing at Meeyanna Kovanna Street, Tuticorin, Srivaikuntam taluk, has applied to this Court for being declared an insolvent and that his application is posted for hearing to the 25th day of July 1913.

Any creditor wishing to oppose the said application may appear before this Court either in person or by vakil on the said date.

Dated this 17th day of April 1913.

D. G. WALLER,
Ag. District Judge.

No. 9 of 1913 in the Court of the District Munsif, Tinnevelly.

Vadivel Pillai .. .. *Petitioner.*
Balasenkasubbaraya Chettiar and thirty-five others .. .. *Creditors*

Notice is hereby given, under clause 2 of section 12 of Act III of 1907, that Vadivel Pillai, son of Sadalamuthu Pillai, residing at Shenbagam Pillai Street, Ouaba Tinnevelly, has applied to this Court for being declared an insolvent and that his application is posted for hearing to the 28th day of June 1913.

Any creditor wishing to oppose the said application may appear before this Court either in person or by vakil on the said date.

District Munsif's Court Tinnevelly,
25th April 1913.

K. S. RAMASWAMI SASTRI,
District Munsif.

No. 18 of 1913 in the Court of the District Munsif, Tinnevelly.

Ulaganatha Pillai .. .. *Petitioner.*
Nachiappa Chettiar and seven others .. .. *Creditors*

Notice is hereby given, under clause 2 of section 12 of Act III of 1907, that Ulaganatha Pillai, son of Palavannam Pillai, residing at Ryter, Kadalpatti taluk, has applied to this Court for being declared an insolvent and that his application is posted for hearing to the 23rd day of June 1913.

Any creditor wishing to oppose the said application may appear before this Court either in person or by vakil on the said date.

District Munsif's Court, Tinnevelly,
25th April 1913.

K. S. RAMASWAMI SASTRI,
District Munsif

No. 16 of 1913 in the Court of the District Munsif, Tinnevelly.

Muthusami Asari .. .. *Petitioner.*
Sockalingam Pillai and twenty others .. .. *Creditors.*

Notice is hereby given, under clause (2) of section 12 of Act III of 1907, that Muthusami Asari son of Andi Asari, residing at Gopalasami East Car street, Palamcottah, has applied to this Court for being declared an insolvent and that his application is posted for hearing to the 30th day of June 1913.

Any creditor wishing to oppose the said application may appear before this Court either in person or by vakil on the said date.

District Munsif's Court, Tinnevelly, 1st May 1913.

R. S. RAMASWAMI SASTRI, *District Munsif.*

No. 1 of 1913 in the Court of the District Munsif, Tiruvannamalai.

Danabai Chetti .. .. *Petitioner.*
Govinda Mudali and twenty-one others .. .. *Respondents.*

Notice is hereby given, under clause (7), section 16 of the Provincial Insolvency Act III of 1907, that Danabai Chetti, son of Muthial Chetti of Cheba Tiruvannamalai, has been adjudged an insolvent by this Court on the 21st day of April 1913.

District Munsif's Court, Tiruvannamalai, 26th April 1913.

N. RAMASWAMI, *District Munsif.*

IN THE COURT OF THE SUBORDINATE JUDGE, NEGAPATAM.

O.S. No. 94 of 1913.

Suit concerning the Ahobilam Mutt.

Notice is hereby given that Original Suit No. 94 of 1913 has been instituted in the above Court by Diwan Bahadur T. T. Rangachariar and six others on behalf of themselves and other disciples of the Ahobilam Mutt against Sri Van Satagopa Sri Parankusa Yatindra Mahadesigan and two other defendants. The suit is for the declaration of the rights of the disciples in respect of the selection of the Jeer and for an injunction. The suit is posted to the 26th July 1913. Any persons who wish to be made parties may apply to the Court on or before that date.

Subordinate Judge's Court, Negapatam, 18th April 1913.

J. S. GNANIYAR NADAR, *Temporary Subordinate Judge.*

FINANCIAL NOTIFICATION.

STATEMENT OF THE AFFAIRS OF THE BANK OF MADRAS FOR THE WEEK ENDING 3RD MAY 1913.

Liabilities.		Rs.	a.	p.
Capital paid up		75,00,000	0	0
Reserve Fund		21,00,000	0	0
Public Deposits at Head Office	Rs. 36,15,618 3 3	79,29,215	4	9
Public Deposits at Branches	Rs. 43,13,597 0 7			
Other Deposits at Head Office and Branches		2,21,85,605	7	5
Bank Post Bills, etc.		1,24,194	11	5
Sundries		23,58,302	5	5
Total		10,71,77,322	7	3

Assets.		Rs.	a.	p.
Government Securities		57,67,731	3	8
Other authorised Investments		24,525	0	0
Loans on Government and other authorised securities		2,99,26,440	1	2
Accounts of credit on Government and other authorised securities		1,67,47,979	0	5
Bills discounted and purchased		1,91 23 861	10	1
Balances with other Banks		10,54,505	7	1
Bullion		27,926	7	0
Dead Stock		5,82 264	9	10
Stamps		28,180	13	5
Sundries		1,03,866	0	9
		8,77,19,433	15	10
Cash and Currency Notes at Head Office and Branches *		1,94,57,884	7	5
Total		10,71,77,323	7	3

* Includes 65,1984 sovereigns at Rs. 14,37,977-4-0.

(By Order of the Directors.)

H. E. HOLMES, *Chief Accountant.*

W. S. HUNTER, *Secretary and Treasurer.*

Rate for Demand Loans—3 per cent.

Percentage of Cash to Liabilities payable on demand 49·35.

Bank of Madras, Madras, 5th May 1913.

H-5

PUBLIC WORKS NOTIFICATIONS.

UNCLAIMED SUMS.

Notice is hereby given that sums due to the following men as noted against each, employed on the electric installation, in the Maternity Hospital, are outstanding in the accounts of this division, and that if the claim for the same is not preferred within three months, the amounts will be credited to Government :—

	Rs.	A.	P.
Arokyaswami, cooly	7	5	6
J. P. Moore, wireman	22	8	0
Hari Singh, wireman	1	2	0
Ruer Singh	0	15	6

South Presidency Division, Madras, 24th April 1913.

J. J. O'REILLY, *Executive Engineer.*

Notice is hereby given that the following sums due to the individuals noted against each are outstanding in the books of this office and that they will be credited to Government if not claimed within three months from the date of this notification :—

			As.
1 Jothigapadu Yerigadu	Daily wages for 8th November 1912 for work done on "Repairs to Gannavaram canal for 1912-1913."		3
2. Yennabathula Arrigadu ..	Do.	do.	3

Office of the Executive Engineer, Godavari Conservancy Division, Dowlaishwaram, 28th April 1913.

S. BHASKARA AIYAR, *Executive Engineer.*

It is hereby notified that a sum of As. 1-11 due to job-worker Arumuga Padayachi for work done in Kilamathur tank and channel is outstanding in the books of this office.

If the amount is not claimed within three months from the date of the notification it will be credited to Government.

Trichinopoly, 2nd May 1913.

K. SRINIVASA AIYANGAR, *Executive Engineer, T.R.S. Division, VI Circle.*

REVENUE NOTIFICATIONS.

NOTIFICATION.

It is hereby notified under section 23 of the Madras Court of Wards Act I of 1902, that Sahib Mehrban-i-zaman Sri Krishnachandra Gajapati Narayana Deva Garu, Zamindar of Parlakimedi estate, in the Ganjam district, having attained majority on the 26th April 1913, the Court of Wards has released his person and property from its superintendence with effect from that date.

Board of Revenue (Land Revenue). Chepauk, 2nd May 1913.

W. G. McFARLAND, *Secretary.*

JANMAM REGISTRATIONS.

Under section 4 of the Malabar Land Registration Act, 1896, it is notified hereby that an enquiry into the janmam title to S. No 48 of desam No 845 of Ponnayurkulam, Ponnani taluk, which was treated as unregistered and unassessed at the time of settlement but a portion of which is now found to be occupied, will be held by the Palghat Divisional Officer on the 7th July 1913, in order that the name of the janmi may be registered.

All persons claiming to be proprietors or joint proprietors of the land are required hereby to apply to the Divisional Officer in person or by duly authorised agent under section 8 of the aforesaid Act on or before the said date at the said place to have their names registered as such.

Malabar Collector's Office, Calicut, 23rd April 1913.

C. A. INNES, *Ag. Collector.*

Notice is hereby given that an enquiry under section 4 of the Madras Act III of 1895 (the Malabar Land Registration Act) will be held by the Revenue Divisional Officer, Calicut, on the 28th July 1913 at Calicut in respect of the jeonam right of S. No. 51-B (measuring 1.. cents) in dewm No. 66 Karanur, Calicut taluk.

All persons claiming to be proprietors or joint proprietors of the said survey number are requested to appear in person or by duly authorised agents and represent their claims on the date and at the place mentioned above.

Malabar Collector's office, Calicut,
28th April 1913.

C. A. INNES,
Ag. Collector.

MARINE NOTIFICATIONS.

List of Shipping in the Madras Roadstead with their Destination, etc., on the 3rd May 1913, as reported by Commanders or Agents at this office.

Ship's names.	Tonnage.	Commanders	Destination.	When to sail.	Agents.
S.S. "Neuralia".	4650	A. H. Acheson ..	Calcutta	1913. 3rd May	Messrs. Binny & Co., Limited.
S.S. "Camberwell."	2599	A. S. Brewis ..	Do.	3rd ,,	Messrs. Gordon, Woodroffe & Co.
S.S. "Clan Lamont."	2491	A. D. Turton ..	Do.	6th ,,	Do.
S.S. "Sturmfels".	3554	L. Schmidt ..	Do.	3rd ,,	Do

Report of Vessels arrived at and departed from the Port of Madras from the 27th April to the 3rd May 1913.

ARRIVALS.

Date arrived	Vessel's name.	Tons	Nation.	Commander's name	Where from.	When left.
1913.						1913.
27th April ..	S.S. "Vadala"	2364	S.	C. G. Cocklin ..	Manamun	21st Apr.
27th ,, ..	S.S. "Clan Lamont" ..	2295	B.	A. D. Turton ..	Glasgow via Colombo ..	16th Mar.
27th ,, ..	S.S. "Harburg"	2837	G.	H. Stahl ..	Pondicherry	21th Apr.
27th ,, ..	S.S. "Maharaja"	1416	E.	J. Clingan ..	Calcutta via Port Blair ..	18th ,,
27th ,, ..	S.S. "Hallotis"	1070	D	J. Bakker ..	Singapore	20th ,,
28th ,, ..	S.S. "Ellora"	2567	E.	J. G. Bowmann ..	Negapatam via Cuddalore.	26th ,,
28th ,, ..	S.S. "Pandit"	3892	..	W. J. Crabbins ..	Samarang via Sabang ..	16th ,,
28th ,, ..	S.S. "Elephanta" ..	2646	E.	R. H. Coope ..	Rangoon	6th ,,
29th ,, ..	S.S. "Sturmfels" ..	3554	G.	L. Schmidt ..	Hamburg via Colombo ..	26th Mar.
30th ,, ..	S.S. "Tenta"	3498	B.	C. Wilks	Singapore via Penang ..	24th Apr.
30th ,, ..	S.S. "Ganges"	2151	..	R. Brown	Calcutta	26th ,,
30th ,, ..	S.S. "Mitra"	3497	..	A. E. Deacon ..	New York via Colombo ..	21st Mar.
30th ,, ..	S.S. "Camberwell" ..	2599	..	A. S. Brewis ..	London via Colombo ..	28th ,,
1st May ..	S.S. "Barberigo" ..	2821	I.	A. Giampetro ..	Calcutta	25th Apr.
3rd ,, ..	S.S. "Neuralia"	4650	B.	A. H. Acheson ..	London ,, ex Suez and Colombo.	1st ,,

DEPARTURES.

Date sailed.	Vessel's name.	Tons.	Nation.	Commander's name	Whither bound.
1913.					
27th April ..	S.S. "City of Dunkirk" ..	3789	B	J. Hay	Marseilles via Pondicherry.
28th ,, ..	S.S. "Dalblair" ..	2969	,,	E. Junge ..	Calcutta.
29th ,, ..	S.S. "Maharaja" ..	1415	,,	J. Clingan ..	Calcutta via Port Blair and Rangoon.
29th ,, ..	S.S. "Hallotis" ..	1070	D	J. Bakker ..	Rangoon.
30th ,, ..	S.S. "Elephanta" ..	2695	B	R. H. Coope ..	Negapatam
30th ,, ..	S.S. "Pandit"	3832	,,	W. J. Crabbins ..	Calcutta.
1st May ..	S.S. "Vadala"	2364	,,	C. G. Cocklin ..	Bombay via Colombo and Malabar Coast.
1st ,, ..	S.S. "Ganges"	2151	,,	R. Brown ..	Fiji
1st ,,	S.S. "Tenta" ..	3498	,,	C. Wilks ..	Singapore via Negapatam, Penang and Port-au-Prince.
2nd ,, ..	S.S. "Mitra"	3497	,,	A. E. Deacon ..	Calcutta.
2nd ,, ..	S.S. "Barberigo" ..	2821	I.	A. Giampetro ..	Trieste.
2nd ,,	S.S. "Ellora" ..	2567	B	J. G. Bowmann ..	Rangoon.
2nd ,, ..	S.S. "Harburg" ..	2837	G	H. Stahl ..	Port Said for orders.

Port Office, Madras,
3rd May 1913.

G. A. EVANS,
for *Deputy Conservator of the Port.*

MILITARY NOTIFICATIONS.

REPORTS OF DESERTIONS.

REPORT of a deserter or absentee without leave from the 2nd Battalion, The King's Regiment of Infantry, dated at Lower Gharial, this 20th day of April 1913.

Number, rank and name, 7126, Sergeant Robert Walmsley; age, 31 years 7 months; height, 5 feet 8 inches; colour of complexion, fresh, hair, brown; eyes, grey; trade, carter; date of enlistment, 14th September 1900; place of enlistment, Fermoy, Ireland, parish and county in which born, Liverpool Lanes; date of desertion or absence, 16th April 1913; place of desertion or absence, Lahore Cantonment; marks, several tattoo marks, drummer, woman heart on forearm.

G. M. P. HAWTHORN, Capt., *for* Lieut.-Col.,
Commanding 2nd Battalion, The King's Regiment.

REPORT of a deserter or absentee without leave from the 4th Battalion, Rifle Brigade, dated at Dagshai, this 23th day of April 1913.

Number, rank and name, 2428, Rifleman P. H. Staffell; age, 28 years; height, 5 feet 5¾ inches; colour of complexion, fresh; hair, brown; eyes, brown; trade, carpenter; date of enlistment, 28th October 1907, place of enlistment, Hounslow; parish and county in which born, Hounslow, Middlesex; date of desertion or absence, Roman, 24th April 1913; place of desertion or absence, Dagshai; marks, vac. 1 R, no distinctive marks; under six years' service.

R. ALEXANDER, Major,
Commanding 4th Battalion, Rifle Brigade.

REPORT of a deserter or absentee without leave from the 4th Battalion, Rifle Brigade, dated at Dagshai, this 26th day of April 1913.

Number, rank and name, 2672, Rifleman A. H. C. Owen; age, 23 years 3 months; height, 5 feet 8¾ inches; colour of complexion, fresh; hair, black; eyes, grey; trade, clerk; date of enlistment, 10th February 1908; place of enlistment, Dublin; parish and county in which born, St. Peters, Dublin; date of desertion or absence, Roman 25th April 1913; place of desertion or absence, Dagshai; no distinctive marks; under six years' service.

R. ALEXANDER, Major,
Commanding 4th Battalion, Rifle Brigade.

REPORT of a deserter or absentee without leave from the 76th Battery Royal Field Artillery, dated at Kirkee, this 3rd day of May 1913.

Number, rank and name, 49086, Gunner Robert Anderson; age, 25 years 4 months; height 5 feet 9 inches, colour of complexion, fresh; hair brown; eyes, hazel; trade, warehouseman; date of enlistment, 15th March 1907; place of enlistment, Manchester; parish and county in which born, St Thomas's, Manchester, Lancashire; date of desertion or absence, 1st May 1913; place of desertion or absence, Bombay; marks, scar front of right shin; on furlough; under seven years' service.

O. S. LLOYD, Capt., R.F.A.,
Commanding 76th Battery, Royal Field Artillery.

REPORT of a deserter or absentee without leave from the 14th "King's" Hussars, dated at Mhow, this 30th day of April 1913.

Number, rank and name, 3263, Private George Walwork; age, twenty-three years, six months; height, 5 feet 9 inches; colour of complexion, pale; hair, light brown; eyes, grey; trade, collier; date of enlistment, 6th October 1908; place of enlistment, Warrington; parish and county in which born Tyndsley Bolton, Lancashire; date of desertion or absence, 25th April 1913; place of desertion or absence, Mhow; marks, scar front of right shin, two small scars front of right knee, scar left side of head; under five years' service.

T. R. BRUCE, Capt., *for* Lieut.-Col.,
Commanding 14th "King's" Hussars

REPORT of a deserter or absentee without leave from the 14th "King's" Hussars, dated at Mhow, this 30th day of April 1913.

Number, rank and name, 3785, Private Fred. Bloomfield; age, twenty-six years six months; height, 5 feet 9¼ inches; colour of complexion, pale; hair, brown; eyes, blue; trade, shoemaker; date of enlistment, 6th October 1908; place of enlistment, Warrington; parish and county in which born, Warrington, Lancashire; date of desertion or absence, 24th April 1913; place of desertion or absence, Mhow, C.I., marks, two scars front of left knee, three scars middle of back, indistinct tattoo marks back of left hand; under five years' service.

T. R. BRUCE, Capt., *for* Lieut.-Col.,
Commanding 14th "King's" Hussars

OFFICIAL ADVERTISEMENTS.

TENDERS FOR CONSTRUCTING QUARTERS FOR SUB-INSPECTOR, ETC., CHINGLEPUT DIVISION.

NOTICE is hereby given that sealed tenders will be received by the Executive Engineer up to noon of the 2nd June 1913 for the execution of the works noted below :—

	Estimate cn.
Constructing quarters for 1 sub-Inspector, 5 head and 41 constables at Chingleput	31,490

2. The amount of earnest money to be deposited along with each tender is Rs. 500, failing which the tender will not be considered. The earnest money may be paid at any time before the date fixed at the office of the Executive Engineer at Chepauk and the receipt of the Manager obtained. This receipt will be replaced by a formal receipt signed by the Executive Engineer which should be produced at the time of repayment of the earnest money.

3. Tenders should be sent in sealed covers superscribed "Tender for the work" the name of the work or works being given without fail as otherwise they are liable to be opened before or after the due date.

4. Any tender not received on the due date will not be considered.

5. Tenders should be written up in P.W.D. form K-1 complete in every detail. The form may be obtained on application at the division or sub-divisional offices.

6. Plan and specification and detail estimate may be seen on application at the Chingleput Division office on all working days between the hours of 12 A.M. and 4 P.M.

7. In the event of the tender being submitted by a firm, it must be signed separately by each member thereof or in the event of the absence of any partner it must be signed on his behalf by a person holding power-of-attorney authorising him to do so.

8. The address of each tenderer should be given in full in the tender form.

9. The successful tenderer will be asked to execute the necessary agreement on a date which will be fixed by the Executive Engineer and if the tenderer fails to do so within that date, his earnest money will be forfeited.

10. The work should not be sublet.

11. The tenderers will state the time within which they will complete the work. This will be taken into consideration in selecting the tender. A bonus of Rs. 1,450 will be given if the contractor completes the work before the time agreed upon.

12. The Executive Engineer reserves to himself the right to reject the lowest or any tender without assigning any reason for so doing.

13. The form below is the schedule form printed as P.W.D. form K-1 and gives the descriptions and quantity of the several items of work to be done.

Constructing quarters for one sub-Inspector—five head and forty-one constables at Chingleput—estimate Rs. 31,490.

Number or quantity.	Description	Unit for calculations
8,605 c. ft. ..	Country brick in mortar foundations and basement.	100 c. ft
7,168 c. ft. ..	Do superstructure	100 ,,
819 ,, ..	Do flat arch work	100 ,,
17,153 ,, ..	Country brick in clay superstructure	100 ,,
9,160 ,, ..	Concrete broken stone in mortar	100 ,,
9·12 ,, ..	Cutstone work	c. ft.
68 Nos. ..	Cutstones under pillars	Each.
240 c. ft. ..	Broken stone from ¾" to 1½"	100 c. ft.
(a) 1,269·24 c. ft. ..	Country wood wrought and put up (kraburk) ..	c. ft.
(c) 66 Nos. ..	Krabark wooden posts 5" Dr., 6' high	Each.
(d) 2,440 s. ft. ..	Teakwood batten doors with frames, fittings and knops, complete.	s. ft.
(d) 670 ,, ..	Teakwood batten windows with iron bars, frames, fittings, complete	,,
179 ,, ..	Teakwood battern and ledged doors with frames, fasteenings, complete.	,,
24 ,, ..	Teakwood iron barred venetian windows with frames, fittings, complete	,,
36 ,, ..	Teakwood iron barred batten and ledged windows with frames, fittings, complete.	,,
9 ,, ..	Teakwood glazed ventilators with frames, ropes, complete	,,
0·78 c. ft. ..	Teakwood wrought and put up.	c. ft.
45,291 s. ft. ..	Roofing with flat and pan tiles over teak rafters 3" × ¾" placed 6" from centre to centre including chenam borders, complete.	100 s. ft.
(e) 390 ,, ..	Flooring with 1½" Cuddapah slabs over 4" concrete including pointing with cement to the full depth of slab.	100 ,,
156 ,, ..	Flooring with 1½" Cuddapah slabs and pointed with cement.	100 ,,

Number or quantity.	Description.	Unit for calculations.
70 s. ft. ..	Cuddapah slabs 1½" thick	100 s. ft.
1,067 „ ..	Roofing with Mangalore tiles over flat tiles including teak reepers and galvanised iron sheet valleys and wired ties along the eaves and gables, complete.	100 „
(c) 486 „ ..	Flooring with 8" square tiles over a bed of 4" concrete and pointed in cement.	100 „
297 „ ..	Gravelling 3" thick	100 „
30 „ ..	Flooring with ½" cement plaster over a bed of 4" concrete.	100 „
52,585 „ ..	Pointing with mortar including whitewashing two coats.	100 „
9,400 „ ..	Painting doors and windows with chocolate two coats	100 „
800 „ ..	Plastering with cement ½" thick	100 „
6,000 „ ..	Painting two coats with chocolate	100 „
21,340 „ ..	Tarring two coats	100 „
3,862 „ ..	Plastering two coats with mortar	100 „
606 „ ..	Painting three coats with chocolate	100 „
1,353 „ ..	Painting two coats with chocolate	100 „
27,230 c. ft. ..	Earth work excavating foundations	1,000 c. ft
1,960 „ ..	Sand filling in foundations	100 c. ft.
9,098 s. ft. ..	Earth filling in basement and forming floor with a coat of cowdung.	100 s. ft.
350 c. ft. ..	Filling in basement with clean sand	100 c. ft
804 „ ..	Filling in basement with earth	1,000 c. ft.
1 No. ..	Pot oven built up with brick in clay	Each.
46 Nos. ..	Forming fire places	Each.
46 „ ..	Providing shelves in the huts	Each.
1 No ..	Constructing a well 8' internal diameter with a square platform 16' × 16' including the well, arrangements for 4 pulleys to draw water, 4 masonry water tubs, 2' cube and 4 catstones with small platforms for washing purposes	Each.
....	Roofing with pan tiles including teak reepers, complete.	100 s. ft.
....	Roofing with Mangalore tiles on teak reepers, complete.	100 „

Note.—(*a*) The tenderers may quote rates for any kind of country wood such as Pillaimarudu, Karimarudu.

(*b*) These are cheap doors and windows whose plan can be seen at the office.

(*c*) Rates may also be quoted for flooring with concrete and plaster as per specification which can be seen in the office.

Executive Engineer's Office, Chingleput Division, 22nd April 1913. R. A. SRINIVASA AIYANGAR, *Executive Engineer.*

SALE OF SANDALWOOD.

TENDERS are invited for the purchase of the following quantities of sandalwood from the District Forest Office, Bellary:—

Cleaned billets	About 115 mds 13 lb.
Cleaned roots	45 mds 1 lb, 2 oz.
Chips	371 mds. 25 lb.
Saw dust	2 mds 8 lb. 11 oz.

(A maund is equal to 28 lb.)

Every tender must be accompanied by a deposit of Rs 100 in a currency note. This earnest money will be returned to the unsuccessful tenderers.

Tenders should be submitted in sealed covers marking on the outside "Tenders for sandalwood" so as to reach the District Forest Officer, Bellary, by 2 P.M. on Tuesday the 20th May 1913.

The wood will not be further cleaned or billetted by the department.

For other particulars apply to the undersigned.

Bellary Collector's Office, Forest Branch, 19th April 1913. V. ALWAR CHETTI, *District Forest Officer.*

THE KING INSTITUTE OF PREVENTIVE MEDICINE, GUINDY.

TENDERS FOR THE SUPPLY OF STRAW AND OTHER ARTICLES

Notice is hereby given that sealed tenders will be received up to 12 noon on Tuesday the 20th May 1913 by the Director, King Institute, Guindy, at his office for the supply of straw and other articles mentioned in the schedule hereto at the premises of the Institute:—

(1) Required quantities of these articles should be supplied on short notice on indents.

(2) The rate of each article tendered will be considered in the acceptance of the tender.

(3) Tenders will be opened precisely at 12 noon by the Director, King Institute, at his office in the presence of those who may choose to attend.

(4) Tenders should be superscribed in the manner indicated in the heading and on the covers should be written the words "Tenders for the supply of Articles". Each tender must contain not only the rates but also the total value.

(5) Each tender must be accompanied by a deposit in currency notes of Rs. 50 as earnest money. This deposit will be returned to unsuccessful tenderers as early as possible and to the successful tenderers as soon as they have satisfactorily executed their contract bond.

(6) No person making a tender shall be allowed to withdraw it within thirty days from the date thereof and in the event of his so doing, his earnest money deposit shall be forfeited to Government.

(7) Successful tenderers will be liable to forfeit their earnest money if they fail to execute the bond binding them to supply, the cost of stamp being borne by the contractors executing it. They should also furnish security in cash or Government Promissory-notes to an amount not exceeding Rs. 300 but which will be fixed in accordance with the number and value of the articles allotted to them, by the Director of the Institute, within one week from the date of the acceptance of the tender being made known to them.

(8) The supplies should begin from 1st June 1913 and be made for one year from that date.

(9) No advance of cash will be made to the contractor. Payment for the articles supplied will be made as soon after their receipt as possible.

(10) It shall be optional with the Director of the King Institute to indent for a larger or smaller quantity of articles than those mentioned in the schedule attached.

(11) The contract must not be sublet.

(12) The Director reserves to himself the right of rejecting any tender or any items in a tender or a portion thereof without assigning any reason for so doing. The lowest tender need not necessarily be accepted.

(13) In case the contractor after taking the contract be not willing to supply as per his agreement, he shall give at least one month's notice and shall forfeit the security to Government. The contractor will also be bound to make good to Government any loss which may arise from his withdrawal or failure or by the Director having to purchase the articles specified in the contract locally at higher rates than those contracted for.

(14) No articles shall be supplied to the Institute except on the authority of the Director or some responsible officer authorized by him in this behalf.

(15) Printed forms of tenders can be had on application to the Manager at the office of the Institute.

SCHEDULE of articles required for the King Institute of Preventive Medicine, Guindy.

Description of articles.	Probable requirements for one year.		Description of articles.	Probable requirements for one year.	
1. Baskets, width 18", depth 10"; made of date split, strong	No.	300	18 French polish, best	Bottles	30
2 Beam pestle tins, size 1½" × ½"; manufactured by Adalbert Vogt & Co., Berlin	Doz.	20	19-A. Tin sheets I B	No.	100
			B. Do. 1½ "	"	200
			C. Do. 2 "	"	100
3. Brooms, reed; made of bamboos 2" thick, length, handle 6 feet; width, bottom 2 feet.	No.	90	20 Bass brooms, thick bassa, strong, made with handles nicely made with one hole,	"	100
			21. Paint brushes ½" to 3" flat 36, round 20	"	50
4. Navy canvas, English, width 24"; anchor mark, closely woven	Yds.	50	22-A Cotton rope ½" diameter	Yards	500
			B Do. ¾" do.	"	500
			C Do. 1" do.	"	500
5. Cement, English Portland	Casks	2	23 Hemp rope, 2½ yards long, ½" diameter	No.	1,000
6 Drill cloth, width 27", American Pepperill Mills, unbleached, Bedford.	Yds.	400	24 Hand towels red bordered, 3' 8" × 2 stamped S.I.P.M. Honeycomb.	"	50
7. Enamel paint, manufactured by Hopkin & Co., 12 oz., gross weight	Tins	100	25. Counter towels 27" × 36" blue bordered thick, bleached, stamped K.I.P.M.	"	500
8. Mull, English, bleached No. 2, width 45", each piece of 12 yards, superior	Pieces	20	26 Dungry cloth, white, thick each piece of 12 yards.	Pieces	20
9. Pig lead in solid blocks	Cwts	6	27 Long cloth, bleached, H.E 92	Yards	200
10. Soap, Monkey brand, each packet of 2 cakes.	Packets	200	28 Mosquito netting, superior	"	50
11 Soap, Beeches bar, weighing 2 lb.	Bars	350	29-A. Emery powder, fine	Lb.	10
12 Soap, Sunlight: manufactured by Lever Brands, each packet of twin cakes, weighing 10 oz	Packets	200	B Emery flour,	"	10
			C Emery sheets, F F work, English manufacture.	Sheets	200
13 Watering can,—capacity ½ gallon, strongly made of block zinc	No	24	30 Sand paper	"	50
		50	31 Firewood, length 1½ × diameter 5", thoroughly dry, sweating.	Tons	500
14. Zinc buckets, strong, thick zinc sheet riveted, width 14", depth 14".	"		or		
15 Buckets coir rope, strongly made of gin with cover.	"	30	32. Bengal coal, best, free from dust	"	400
16. Soldering lead in sticks, best	Lb.	48	33 Kerosine oil, 72° F P white oil, to be supplied in bulk in quantities of 120 gallons each time.	Gallons	4,000
17-A. Cornsea brooms (cocoanut sticks)	No	100			
B. do 3" Each	"	100			

	Description of articles.	Probable requirements for one year.		Description of articles.	Probable requirements for one year.	
34.	Kerosene oil 150° F.P. as required in tins of 4 gallons each	Gallons	823	C. French nails 1" .. .	Lb.	15
35.	Fixed oil for making gas in 40 gallons barrels as required.	"	2,000	D. Do. 1½" . .	"	15
36.	Cylinder oil for Abroyd oil Engine	"	60	E. Do. 2" . .	"	10
37.	Zoroline oil for Ammonia Compressor.	"	55	63-A. Screw nails, ½" .. .	Gross	15
38.	Gas Engine cylinder oil	"	60	B. Do. ¾"	"	10
39.	Petrol as required . .	"	100	C. Do. 1"	"	10
40.	Phenyle to be supplied as required in 5 gallon drums	Drums	10	D. Do. 1½"	"	12
41.	Turpentine, best, unadulterated	Gallons	15	E. Do. 1½"	"	12
42.	White lead paint, kegs, 28 lb., prepared paint in small iron drums, English packed	Kegs	15	F. Do. 1¾"	"	10
43.	Red paint kegs, 28 lb.; prepared paint in small iron drums, English packed	"	15	G. Do. 2"	"	15
44.	Linseed oil, manufactured by Blundell Spencer, iron drums containing 8 imperial gallons, double boiled,	Drums	2	H. Do. 3"	"	15
45.	Refined cylinder oil, best (thick)	Gallons	38	63. Tallow, English, unadulterated .	Lb.	500
46.	Lubricating oil, best (thin)	"	36	64. Washing soda	"	100
47.	Coconut oil, best	"	3	65. Mantles for gas lights ..	No.	250
48.	Safety matches three star brand	Gross	18	66. Galvanized iron sheet No. 22 gauge 8' × 3'.	Sheets	80
49.	Red lead powder	Lb.	10	67-A. Asbestos Mill Board 3' × 2' ¼'	No.	25
50.	Charcoal powder . .	"	724	B. Do. do. ½" ..	"	25
51.	Lamp wick 2' English manufacture ..	Yards	50	C. Do. do. ¼" ..	"	24
52.	Iron collars for mirrors . ..	No.	150	68. Bees' wax	Viss.	10
53.	Harricane lanterns, Dietzen with 4" best harness 8 C.P. with patent lift, cover globe and wire guard	Doz.	3	69. Salammoniac	Lb.	50
54.	Glass globes to fit the hurricane lamps	"	3	70. Deal wood packing boxes with lid, neatly made of wood of thickness suitable to the size—		
55.	Metal filament lamp 100 volts 25 C.P.	No.	36	A. Size 6" × 14" × 14" . ..	Gross	5
56.	Fly cotton, white, free from dust ..	lb.	400	B. Do. 4½" × 2" × 2" . .	"	5
57.	Cotton waste, white, free from dust ..	"	1,000	C. Do 4½" × 3" × 2½" . .	"	10
58.	Screw from white paddy, undeteriorated, free from dust and moisture.	"	500,000	D. Do. 5½" × 2½" × 2" ..	"	5
59.	Brewers dried grains to be supplied as required in bags of 56 lb. each.	Bags.	250	E. Do. 6½" × 3½" × 3" . .	"	6
60-A.	French nails, ½"	Lb.	15	F. Do 6" × 4½" × 4" .. .	"	5
	E. Do. 1"	"	10	G Do, 8" × 4½" × 4"	"	5
				H Do. 9" × 8" × 6"	"	6
				I. Do, 16" × 14" × 4" ..	"	4
				J. Do 18" × 8" × 8" ..	"	4
				K Do. 18" × 8" × 14" ..	"	6
				L. Do 20" × 16" × 10"	"	5
				M. Do 21" × 11" × 8"	"	5
				(for packing microscope slides)		
				71. Colored cotton, waste, free from dust.	Lb.	250

The King Institute of Preventive Medicine,
Guindy, 16th April 1913.

F. M. GIBSON, M.D., D.SC.,
Director.

TENDERS FOR CONVEYANCE OF MAILS.

TENDERS are invited for the conveyance of mails daily between Mysore and Mercara (distance 78½ miles) either in tongas drawn by two ponies or in motor cars. The journey in either direction should be accomplished within 15 hours, and the average weight of the mails will be 7,289 tolas. Further particulars may be obtained on application to the Postmaster-General, Madras.

Madras, 21st April 1913.

C. H. HARRISON,
Postmaster General.

SALE OF TANGADU OR AVARAM BARK.

THE right to cut and remove tangadu or avaram bark and wood from reserved forests and unreserved lands in the Bellary district will be sold in public auction on the 13th June 1913 at the District Forest Office, Bellary.

For further particulars apply to the undersigned.

Bellary Collector's Office, Forest Branch,
30th April 1913.

V. ALWAR CHETTI,
District Forest Officer.

NOTICE No. 1 OF 1913-14 OF THE DISTRICT OF THE NILGIRIS.

SALE OF THE OCCUPANCY RIGHT IN WASTE LANDS.

NOTICE is hereby given that the occupancy right in lands hereunder specified will be disposed of by auction at the Collector's office, Ootacamund, by the Deputy Collector (under the rules for the disposal of waste lands published by notification No.—at page 797 of the *Fort St. George Gazette*, dated 23nd May 1900, and embodied in Part I of S.O. No. 20), subject to annual payment of assessment as specified below to the highest bidder above the upset price or prices enumerated in the following schedule at 12 o'clock on Tuesday the 8th day of July 1913 or on such other date to which the sale may be duly adjourned.

SCHEDULE OF LANDS TO BE SOLD.

Number of lot.	Name, if any, and boundaries.	Approximate extent.	Initial annual assessment (and junmakhagam in the Wynaad).	Upset price
	The Nilgiri district, Coonoor taluk, Kaikal village.	ACS.	RS. A. P.	RS. A. P.
1	Field No. 171—North and east, S. No. 170, south, S. No. 170, west, S. No. 174	49 19	25 1 5	70 4 0
2	Field No. 172—North, S. No. 174-1; east, S. No. 174; south and west, S. No. 172.	29 39	14 15 1	45 8 6
3	Field No. 174—North and east, S. No. 175; south, S. No. 269, west, S. No. 173.	59 62	31 12 2	95 0 0

2. The assessment on the said land shall be liable to periodical revision in the same manner as that on ordinary ryotwari land, but no portion of the land will, at any time, be assessed at a rate higher than the appropriate dry, wet or garden rate for such land under the general scheme of settlement for the taluk in which the land is situated.

3. Government reserves to itself all gold and other minerals, coal and stone or rock containing or supposed to contain gold or other minerals, and coal known to exist or which may, at any time, hereafter be discovered on, in, or under the said lands or any part thereof, together with full and free liberty and right of ingress, egress and regress by nearest way at all times for Government servants, agents and workmen, and all persons duly authorized by Government in and upon the said lands, and either with or without horses and other cattle, carts, waggons and other carriages and to erect on the said lands and use any engines and machinery for the purpose of searching for, working, getting and carrying away such gold and other minerals and coal and also to sink, drive, make and use upon the said lands, mines, pits, shafts, drifts, adits, air courses and water-courses, and to use all water which may be lifted or raised from the same, also to appropriate and use any part of the surface of the said lands for placing the results the minerals, waste, rubbish and other substances got from such mines, and generally to do all acts and things necessary or proper for working and getting such gold and other minerals and coal and rendering same merchantable, Government paying or rendering compensation to the purchaser, his heirs, representatives and assigns for all damage he or they shall sustain by reason of the exercise of such right of way or by the erection and use of any such engines, machinery or works or the exercise of all or any of such rights.

4. The Government also reserve to themselves the right to control and regulate at their absolute discretion the collection, retention and distribution of the water in or under the said lands or any part thereof, of all rivers and streams flowing in natural channels and of natural lakes and ponds or of the water flowing, collected, retained or distributed, in, or by any channel or other work constructed at the public expense and in particular to interrupt or make material alteration in the quantity, quality, direction, force or temperature of the said water and to cut off, stop and hinder the whole or any portion of the supply of the said water without being liable, in any case, to pay compensation for so doing.

5. All existing and customary rights of Government and of the public in all existing roads and paths and in streams of water in the land shall be reserved.

6. All parties having claims on the said lands incompatible with the sale as herein notified are hereby required to prefer their claims on or before the day aforesaid to the undersigned.

The sale will be stopped or postponed as the case may require—

(1) If the applicant fails to deposit the charges for survey and demarcation of the lands where such survey or demarcation is necessary.

(2) If the application has been withdrawn by the applicant and the Collector decides in the public interests not to proceed with the sale.

(3) If the survey and demarcation of the lands have not been completed.

(4) If the sale has been ascertained to be objectionable on public grounds.

(5) If any claim of private ownership or exclusive occupancy or of any other right incompatible with the disposal of the lands under these rules has been preferred and is pending or is established.

The sale will be made subject to the following conditions :—

CONDITIONS OF SALE.

That the highest bidder above the upset price shall be the purchaser of the lot, and if any dispute arise between two or more bidders at the same price, the lot shall be immediately put up again at the last preceding undisputed bidding and re-sold.

2. That immediately after the lot is knocked down the purchaser thereof shall pay to the Collector or the officer authorized by him to conduct the sale a deposit of Rs. 10 *per centum* in part payment of the purchase-money and shall, at the same time, sign an acknowledgment in Form Y.

3. That the purchaser shall, within 30 days from the day of sale, pay to the Collector the residue of his purchase-money, and shall thereupon receive a patta for the premises in Form Z.

4. That every person desirous of becoming a purchaser is to satisfy himself as to the identity and correct description of the property and the measurement and boundaries of the premises previous to the sale, as, by having the lot knocked down to him, the purchaser thereof shall be held to have waived all objections to any mistakes that may afterwards appear to have been made in the description of the premises, as well as to any other error whatever in the particulars of the property.

5. That if from any cause whatever the purchase shall not be completed by the 30th day from the day of sale, then the purchaser shall pay to the Collector interest at the rate of Rs. 12 *per cent. per annum* on the remainder of his purchase-money from the day of sale until the purchase shall be completed, without prejudice nevertheless to the right of re-sale reserved by the following condition, provided, however, that the whole of the purchase money with interest shall be paid within one year from the date of sale.

6. That if the purchaser shall neglect or refuse to comply with the above conditions or any of them, his deposit money shall be forfeited, and retained by Government, and the Government shall be at liberty to re-sell the lot either by public auction or private contract without the necessity of previously granting a patta to the purchaser; and the deficiency, if any, arising from such re-sale, together with all expenses attending it, shall be made good by the purchaser at the present sale who shall so neglect or refuse as and for liquidated damages.

7. That the assessment on the land shall be paid from fasli 1323, that is, from 1st July 1913.

The Nilgiri Collector's Office, Ootacamund,
3rd April 1913

M. YOUNG,
Collector.

RECOVERY OF WRECKS.

Notice is hereby given, under section 76 of Act VII of 1830, that the undermentioned property has been salvaged within the limits of the Port of Madras, and claimants should submit their claim within a week's time from the date of the circular and remove the articles claimed within the close of the month on payment of the salvage charges. Should they fail, the articles will be sold in the following month by the order of the Engineer, Port Trust, Madras.

Description of articles.	Mark	Date of recovery.	Place of recovery.
Seven flat iron bars	*Nil*	26th April 1913	Within the Madras Harbour
One round iron bar	"	26th "	
One pig iron piece	"	26th "	
Two red wood pieces	"	26th "	
Four coal blocks	"	26th "	
One iron wire nail cask	A.P. Madras	26th "	
Seven flat iron bars	*Nil*	26th "	
One square iron bar	"	26th "	
One round iron bar	"	26th "	
One teakwood sounding	"	26th "	
Thirty-five round iron trenails	D K Madras ..	26th "	
One case broken containing mica	*Nil*	28th "	
One case 2' 8" × 2' 5" × 1' 8"	A diamond with "A S Co." in the centre and "61 Madras" on the right side.	28th "	
One galvanized iron pipe 18" × 2"	*Nil*	28th "	
One flat iron bar	"	28th "	
One round iron bar	"	28th "	
Two bags containing ground nuts	"	28th "	
One flat iron bar	"	29th "	
Five pot sleepers	"	29th "	
One cement barrel damaged	M. & S.M.R.	29th "	
One pig iron piece	*Nil*	29th "	
One iron piece (a part of a machine) ..	"	29th "	
One T iron piece, 2'	"	29th "	
Three coal blocks	"	30th "	
One teakwood sounding	"	30th "	
One redwood piece	"	30th "	
Two flat iron bars	"	30th "	
Two square iron bars	"	1st May 1913	
One round iron bar	"	1st "	
		1st "	

விளம்பரம்.

సామానులయొక్క వివరము.	గుర్తు.	ఎక్కడనుండి వచ్చినది.	ఎప్పుడు వచ్చినది.
7 చట్టడ ఇరుపు చట్టకలు ...	పూర్తియం ...	1913-మ్	25
1 ఒరుసా ఇరుపు కమి ...	డి. ...	డి.	25
1 కణటరాల ఇరుపు కణ్ణి ...	డి. ...	డి.	25
2 చెంబుకి కణ్ణలెల్ ...	డి. ...	డి.	25
4 కీలుక్కి కణ్ణలెల్ ...	డి. ...	డి.	25
1 ఇరుపు కమి కుణి పిచ్చుకు ...	A. P. Madras ...	డి.	25
7 చట్టడ ఇరుపు చట్టకలు ...	పూర్తియం ...	డి.	26
1 కథర ఇరుపు కమి ...	డి. ...	డి.	26
1 ఒరుసా ఇరుపు కమి ...	డి. ...	డి.	26
1 చేకమరా ఉలిచ్చు ...	డి. ...	డి.	26
35 ఒరుసా ఇరుపు చట్టలెల్ ...	D K Madras.	డి.	26
1 చెలు పెట్టె, ఉడైత్తత, తిరిపెక్కు ఉడకిట్టుళ్ళత.	పూర్తియం ...	డి.	28
1 చెలు పెట్టె, 2'—8" × 2'—3" × 1'—8".	మద్రాసిలోని A. S. Co. యొక్క చెలుగిరి చుట్టు పటము 51 Madras ఒరుసా ఓయాండు.	డి.	28
1 కలాసు పూసి ఇరుపు కుర్చు, 1' × 2'..	పూర్తియం ...	డి.	25
1 చట్టడ ఇరుపు చట్టము	డి. ...	డి.	26
1 ఒరుసా ఇరుపు కమి	డి. ...	డి.	28
2 పోలాటిపి రూడలకలు	డి. ...	డి.	29
1 చట్టడ ఇరుపు చట్టము	డి. ...	డి.	29
6 ఇరుపు పాలిపు చట్టలు	M. & S. M.R ...	డి.	29
1 సిలైరు పిచ్చు, చెట్టెపిచ్చాతై ..	పూర్తియం ...	డి.	29
1 కణటరాల ఇరుపు కణ్ణి	డి. ...	డి.	29
1 ఇరుపు కణాపి (ఒరు బరిలత్తిల్ ఒరు బాకమ్)	డి. ...	డి.	29
1 T ఇరుపు కణ్ణి, 2'	డి. ...	డి.	30
3 కీలుక్కి కణ్ణలెల్	డి. ...	డి.	30
1 చేకమరా ఉలిచ్చు	డి. ...	డి.	30
1 చెంబరత్తి కణ్ణి	డి. ...	డి.	30
2 చట్టడ ఇరుపు చట్టలెల్	డి. ...	మేయి	1
2 కథర ఇరుపు కుంపిలెల్	డి. ...	డి.	1
1 ఒరుసా ఇరుపు కుంపి	డి. ...	డి.	1

Port Office, Madras,
3rd May 1913.

G. A. EVANS,
for Deputy Conservator of the Port,
for Receiver of Wrecks for the Port of Madras.

ప్రకటనలు.

(ఇండియన్ పెనెల్ కోడ్ ఆర్టి 77, 78 ల నెక్షన్లు.)

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List of Books published from October 1912 to March 1913.

LEGISLATIVE DEPARTMENT.

	£
A DIGEST OF INDIAN LAW CASES. Vol. IV (N to R), Edition 1912. No 3	(14 as.)
ACT 5 OF 1872, in Urdu and Hindi. 1 a. 3 p.	(2 as.)
ACT 5 OF 1912, in Urdu and Hindi. 3 p.	(1 a.)
ACT 12 OF 1912, in Urdu and Hindi. 3 p.	(1 a.)
A DIGEST OF INDIAN LAW CASES CONTAINING HIGH COURT REPORTS AND PRIVY COUNCIL REPORTS OF APPEALS FROM INDIA, 1911, WITH AN INDEX OF CASES BY E. D. ROSS FOR 1911. Royal 8vo. Cloth	Re 3 or 4s. 6d. (5 as.)

VACANCIES.

APPLICATIONS are invited from persons who can write a good and legible hand in English and Tamil and who possess qualification not less than Lower Secondary standard for appointments as temporary and acting Clerks in the sub-offices in the district from whom selections are eventually made for permanent appointments of clerks. Applications stating full address and qualification may be submitted either direct or through the nearest Sub-Registrar in the district

Madura Registrar's Office,
9th April 1913.

C. VENKATASUBBA AIYAR,
Registrar.

APPLICATIONS are invited from passed candidates for the post of a Typist-Clerk in the office of the Government Sugarcane Expert, Agricultural College, Coimbatore. Preference will be given to applicants who have practical experience and have passed the Intermediate grade in Typewriting.

The appointment will be for five years at Rs. 20—1—30

Coimbatore, 12th April 1913

C. A. BARBER,
Government Sugarcane Expert.

APPLICATIONS are invited from candidates who have passed the Draftsman or the Lower Subordinate Test of the Madras College of Engineering, for appointment as acting draftsman on Rs. 30 *per mensem* in the Tank Restoration Scheme Division office at Anantapur. The acting appointment will last for about one year.

Applications should reach the undersigned before the 10th May 1913.

Bellary, 14th April 1913.

W. J. J. HOWLEY,
Superintending Engineer, III Circle.

APPLICATIONS, accompanied by copies of testimonials, are invited from candidates for posts of Clerks on Rs 20 and Draftsmen on Rs 40 now vacant in this office.

The appointments are temporary but are likely to last for some years.

Applicants for clerks' posts should have passed the Matriculation Examination and those for draftsmen's posts should have passed the Draftsmen or Lower Subordinate Test of the College of Engineering, Madras.

Preference will be given to men with previous experience in the Public Works Department.

Executive Engineer's Office, T.R.S. Divn., III Circle, Aeantapur, 16th April 1913. F. W. P. WALSH, *Executive Engineer.*

APPLICATIONS are invited up to the 31st May 1913 from duly qualified candidates under the examination rules for a sub *pro tem.* Clerk's post on Rs. 20.

2. Preference will be given to non-Brahmin matriculates or those possessing higher educational qualifications.

3. The applicants should state (1) caste or religion, (2) residence, (3) age, (4) relatives in the public service, (5) landed property held, (6) past and present occupations and length of service in each, and (7) examinations passed with reference to the gazette page.

4. Copies of testimonials, if any, and specimens of writing in English should accompany the applications.

District Munsif's Court, Dharmapuri, Salem Dist., 15th April 1913. G. R. SUBBARAYA AIYAR, *District Munsif.*

WANTED Graduates whose vernacular is Telugu to take up temporary appointments in Revenue Settlement Party No. III, on pay ranging from Rs. 30 to Rs. 45 a month.

Revenue Settlement Office, Party No. III, Madanapalle, 16th April 1913. C. F. BRACKENBURY, *Special Settlement Officer.*

WANTED a Jemadar to look after elephants, buffaloes and bullocks.

Pay Rs. 20—1—30. Apply to undersigned stating qualifications and submitting testimonials. Experienced man only will be appointed.

Coimbatore Collector's Office, South Forest Branch, 19th April 1913. C. E. C. FISCHER, *District Forest Officer.*

APPLICATIONS are invited for the post of Draftsman on Rs. 30 from passed draftsmen or Lower Subordinate of the College of Engineering, Madras. The vacancy is likely to last till 15th September 1913, if not longer.

Men possessing previous experience in the department will be preferred.

Application from candidates should reach the undersigned on or before the 15th May 1913.

Executive Engineer's Office, T.R.S. Divn., VI Circle, Trichinopoly, 24th April 1913. K. SRINIVASA AIYANGAR, *Executive Engineer.*

APPLICATIONS are invited from candidates qualified under the Examination rules with Elementary Type-writing Test for the post of a temporary Typist on a salary of Rs. 20 per mensem in this office. Applicants should state their age, educational qualifications and past history of their service if any, and also submit copies of testimonials possessed by them. Candidates possessing Secondary School-leaving certificates should specify the number of marks obtained by them in English and in other subjects at the public examination.

Applications should reach the undersigned on or before the 25th May 1913.

North Arcot Collector's Office, Vellore North Forest Branch, 25th April 1913. T. N. HEARSEY, *District Forest Officer.*

APPLICATIONS accompanied by copies of testimonials are invited from candidates for posts of Maistries on Rs. 25 in the Tanks sub-division of this division.

2. The appointments are temporary but are likely to last for one year or more.

3. Preference will be given to men with previous experience.

4. Applications will be received up to end of May 1913.

Godavari Western Division Office, Chattapeth, 27th April 1913. N. SWAMINATHA AIYAR, *Executive Engineer.*

APPLICATIONS are invited from duly qualified non-Brahmin candidates for two permanent vacancies of Rs. 20 in the Collector's office.

None but those whose vernacular is Telugu need apply.

Kistna Collector's Office, Masulipatam, 27th April 1913. J. M. TURING, *Ag. Collector.*

APPLICATIONS are invited from candidates who have passed the Lower Subordinate test as Draftsmen of the Colleges of Engineering, Madras, for the post of a temporary Draftsman on Rs. 30. The appointment though temporary is likely to continue for some time.

Applications will be received up to 20th May 1913. Applicants should state their age and educational qualifications and also submit copies of testimonials possessed by them.

Executive Engineer's Office, Coimbatore Dvn., Coimbatore, 25th April 1913.

J. M. PARKER,
Executive Engineer.

WANTED urgently a qualified "non-Brahmin" candidate for employment in the Out-patients Department of the General Hospital on Rs. 20 per mensem.

A candidate who is below 25 years of age possessing office experience will be preferred.

Government General Hospital, Madras, 2st May 1913.

C. G. WEBSTER, Major, I.M.S.,
Senior Medical Officer.

APPLICATIONS are invited for the post of a temporary Draftsman on Rs. 30 per mensem in this office which will continue year after year.

None but those who have undergone the Civil Engineering College course and obtained diploma need apply. Preference will be given to those who have had some experience in District Forest Office.

Office of the Conservator of Forests, Central Circle, Madras, 2nd May 1913.

H. B. BRYANT,
Ag. Conservator of Forests, Central Circle.

APPLICATIONS are invited for the recruitment of about eight probationers in the Upper Subordinate Service of the Survey of India. Instructions for applicants are printed below :—

SURVEY OF INDIA.

INSTRUCTIONS FOR APPLICANTS FOR APPOINTMENT TO THE UPPER SUBORDINATE SERVICE OF THE SURVEY OF INDIA.

1. Every applicant must forward his application on the prescribed form addressed to the Officer in charge, Surveyor General's Office, 13, Wood Street, Calcutta, accompanied by certificates as to age, character, education, health, etc., and by specimens of drawing. All applications must reach Calcutta on or before the 15th June 1913, after which date no application will be entertained. The applications of all Indian applicants must be countersigned by the Magistrate of the district or town in which the applicant's family resides. Application forms and lists of certificates, etc., can be obtained from the Surveyor General's Office.

2. All applicants must be over 18 and under 22 years of age on the 1st June 1913. They must be statutory natives of India, and all Indian applicants must be of pure Asiatic descent. All European and Anglo-Indian applicants must be unmarried and, if appointed, they will not be allowed to marry until they can satisfy the Surveyor General that they are in a financial position to do so.

3. The Indian candidates must have passed the Intermediate Examination of an Indian University, or its equivalent. European and Anglo-Indian candidates must have passed the Final or High Standard Examination under the Code of Regulations for European Schools. Holders of Upper Subordinate Certificates from the Thomason College, Roorkee, will not be called upon to produce any further educational qualifications.

4. Every candidate will be required to sign an agreement, in the prescribed form, that he is prepared to serve in any part of India or Burma to which he may be sent and that he will not demand his discharge during the period of probation nor for three years from the date of being permanently appointed to the Upper Subordinate Service and never during the field season.

5. The selected candidates will be required to join the Survey of India on or about the 1st September. They will be on probation for two years with a salary of Rs. 50 per mensem. They may be discharged by the Surveyor General at any time during the period of probation, and will not be permanently appointed to the Upper Subordinate Service until they have completed their period of probation and satisfied the Surveyor General that they are capable of executing the duties they will be called upon to perform and are also suitable in other respects. The term of probation may be prolonged by the Surveyor General by one year at his discretion or by any period or periods passed by the probationer on sick-leave. Probationary service, if followed by a permanent appointment, will count for leave and pension.

6. On being permanently appointed to the Upper Subordinate Service, an officer will be designated Sub-Assistant Superintendent and will receive pay at the rate of Rs. 80 per mensem rising by triennial increments of Rs. 10 to Rs. 200; but the Surveyor General may at any time stop an increment in the case of an officer whose work or conduct is unsatisfactory. The service will also include eventually nine posts on Rs. 250.

Surveyor General's Office, Calcutta, 1st May 1913.

T. F. B. RENNY-TAILYOUR, Col., R.E.,
Offg. Surveyor General of India.

PRIVATE ADVERTISEMENTS.

I, T. A. Anantaramier, hereby give notice that I intend moving the High Court of Judicature at Madras, to be enrolled as a Vakil of the said High Court on or after 16th July 1913.

Ernakulam, 13th April 1913. T. A. ANANTARAMIER. *Vakil, Chief Court, Cochin.*

On or after the 16th July 1913, I intend moving the High Court for enrolment as a Vakil thereof.

Madras, 17th April 1913. P. KUPPUSAMY IYER.

On or after the 23rd July 1913, I intend moving High Court to enrol me as Vakil thereof.

Madras, 18th April 1913. A. ANANTARAMAN.

I intend moving High Court to be enrolled as a Vakil thereof, on or after 19th July 1913.

Madras, 25th April 1913. MANNATTIL NARAYANA MENON.

I intend moving High Court to be enrolled as a Vakil thereof, on or after 2nd August 1913.

Madras, 25th April 1913. A. V. KUTTI KRISHNA MENON.

On or after 29th July, I intend moving the High Court to enrol me as a Vakil thereof.

Madras, 28th April 1913. T. ANANDA RAO.

On or after the 18th July I intend moving the High Court to be enrolled as a Vakil thereof.

Madras, 26th April 1913. C. R. LAKSHMINARAYANAN.

On or after the 29th July 1913 I intend moving the High Court to be enrolled as a Vakil thereof.

Madras, 28th April 1913. T. S. NARAYANAN.

On or after the 19th July 1913 I intend moving the High Court to be enrolled as a Vakil thereof.

Madras, 28th April 1913. N. P. NARASIMHA AIYAR.

I intend moving the High Court, on or after the 15th July, to enrol me as a Vakil thereof.

Purasawalkam, 29th April 1913. S. SAIYAMURTI.

I intend moving the High Court, on or after the 15th July 1913, for enrolment as a Vakil thereof.

Vepery, 29th April 1913. C. MADHAVAROYA MUDALIAR.

On or after the 28th July 1913, I intend to be enrolled as a High Court Vakil.

Madras, 30th April 1913 K. S. VENKATA RAU.

On or after 14th July 1913, I intend moving the High Court for my enrolment as a Vakil thereof.

Mylapore, 30th April 1913. S. S. RAMACHANDRA AIYER, B.A., B.L.

On or after the 14th July 1913, I intend moving the High Court to enrol me as a Vakil thereof.

Madras, 30th April 1913. P. S. RAGHUNATHA RAO.

On or after the 30th May next, I intend moving the High Court to be enrolled as a Vakil thereof.

Mylapore, Madras, 1st May 1913. S. VISWANATHA IYER.

On or after 25th July, I intend moving the High Court to enrol me as a Vakil thereof.

Triplicane, 2nd May 1913. C. SITA RAMAN.

I INTEND moving the High Court to be enrolled as a Vakil thereof on or after 1st August 1913.

Madras, 2nd May 1913. T. EROMAN UNNY.

On or after July 23rd I intend moving High Court, Madras, to enrol me as a vakil thereof.

Triplicane, 3rd May 1913. N. SUBRAMANYA IYER.

NOTICE is given that I, RAILAPATHY RATHAKRISHNIAH, Government Pensioner, intend changing my name to SACHITHANANDENDRA SARASVATI from this date.

Poondi, 14th April 1913. R. RATHAKRISHNIAH.

I, A. PONNAPPA PILLAIAN, intend changing my name to A. PONNUSAMY PILLAI from this date.

Mukasi, Hanumanpalli, 21st April 1913. A. PONNUSAMI PILLAI.

NOTICE.

THE undersigned hereby declares that her two Preference shafe scripts in the Tata Iron and Steel Company (Limited), Bombay, were accidentally destroyed by fire.

Bangalore, 23rd April 1913. MYRTLE EDITH MORTON.

LOST.

INTEREST warrant No. 102, dated 21st February 1912, for Rs. 284-14-4 being the 21 to 33 half years' interest due on Government Promissory notes Nos. 035505 of the loan of 1899-97 for Rs. 1,500. The above warrant is payable to me and endorsed over to Mr. B. F. Salamchund, Banker, Bangalore Payment of the above warrant has been stopped at the Public Debt office, Bank of Madras, and an application is to be made for issue of a duplicate in favour of the proprietor.

Robertsonpet, K.G.F., 29th April 1913. M. VENKATARAMIAH.

NOTICE.

THE third adjourned Extraordinary General Meeting of the shareholders of the South Indian Life Investment Company, Limited, will be held at its Registered Office No. 146, Broadway, Madras, on Friday the 9th May 1913 at 6-30 P.M. to pass a resolution for winding up the Company under section 178, clause (*e*) of Act VI of 1882.

As there was no quorum at the two previous meetings, the above resolution will be passed even if there be no quorum.

The South Indian Life Investment Company, Ld.,
Madras, 1st May 1913. BURGUES & Co.,
Secretaries and Agents.

IN THE MATTER OF THE INDIAN COMPANIES ACT VI OF 1882, AND OF THE SRI PRASANNA VENKATARAMANA SWAMI FUND, LIMITED, BAYADRUG.

Notice is hereby given that a petition for the winding-up of the above company by the District Court, Bellary, was on the 3rd day of April 1913, presented to the District Judge by Jayanti Subbayya, the Secretary of the Company, and that the said petition is directed to be heard before the said District Judge, on the 24th day of June 1913; and any creditor or contributory of the said company, desirous to oppose the making of an order for the winding-up of the said company under the above Act, should appear at the time of hearing by himself or his counsel for that purpose; and a copy of the petition will be furnished to any creditor or contributory of the said company requiring the same, by the undersigned, on payment of the regulated charge for the same.

Bellary, 21st April 1913. S. PURNAPRAGNA RAU,
Vakil for the petitioner.

BANK OF MADRAS.

THE Bank of Madras and the Public Debt Office will be closed on Monday the 12th instant on account of "Whitsuntide," being a gazetted holiday under the Negotiable Instruments Act.

(By order of the Directors.)

Madras, 5th May 1913. W. B. HUNTER,
Secretary and Treasurer.

MADRAS: PRINTED AND PUBLISHED BY THE SUPERINTENDENT, GOVERNMENT PRESS.

SUPPLEMENT TO PART II

OF

THE FORT ST. GEORGE GAZETTE.

No. 18.] MADRAS, TUESDAY EVENING, MAY 6, 1913. [Price, 2 annas.

TABLE OF RAINFALL

RECORDED AT

STATIONS IN THE MADRAS PRESIDENCY

FOR THE MONTH OF

MARCH 1913.

Table of Rainfall recorded at Stations in the

District.	No.	Station.	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21
Nellore.	1	Darsi																					
	2	Kalighatta																					
	3	Kanigiri																					
	4	Kavali																					
	5	Kondapi																					
	6	Kovur																					
	7	Nellore																					
	8	Podili																					
	9	Rapur																					
	10	Sydapuram																					
	11	Udayagiri																					
		Average																					
Vizagapatam.	1	Narasapatam																					
	2	Payakaraopeta																					
	3	Pithapuram																					
	4	Rajam																					
	5	Rajahmundry																					
	6	Ramachandrapuram																					
	7	Samalkot																					
	8	Tuni																					
	9	Vizagapatam																					
	10	Yellamanchili																					
	11	Yernagudem																					
	12	Yetimoralli																					
	13	Yolleru																					
		Average																					
Godavari.	1	Bhadrachalam																					
	2	Polavaram																					
	3	Cherlapalli																					
	4	Jeggampeta																					
	5	Tuni																					
	6	Pithapuram																					
	7	Peddapuram																					
	8	Ramachandrapuram																					
	9	Rajahmundry																					
	10	Amalapuram																					
	11	Ramachandrapuram																					
	12	Cocanada																					
	13	Coringa																					
	14	Mandapetam																					
	15	Razoleta																					
	16	Allavaram																					
	17	Kamole																					
		Average																					
Kistna.	1	Bandarlu																					
	2	Bezwada																					
	3	Bhimavaram																					
	4	Challapalli																					
	5	Divi																					
	6	Gudivada																					
	7	Gudur																					
	8	Kaikalur																					
	9	Kistna																					
	10	Kodad																					
	11	Kondapalli																					
	12	Nandigama																					
	13	Nuzvid																					
	14	Repalle																					
	15	Tiruvur																					
	16	Vijayawada																					
		Average																					

Madras Presidency for the month of March 1913.

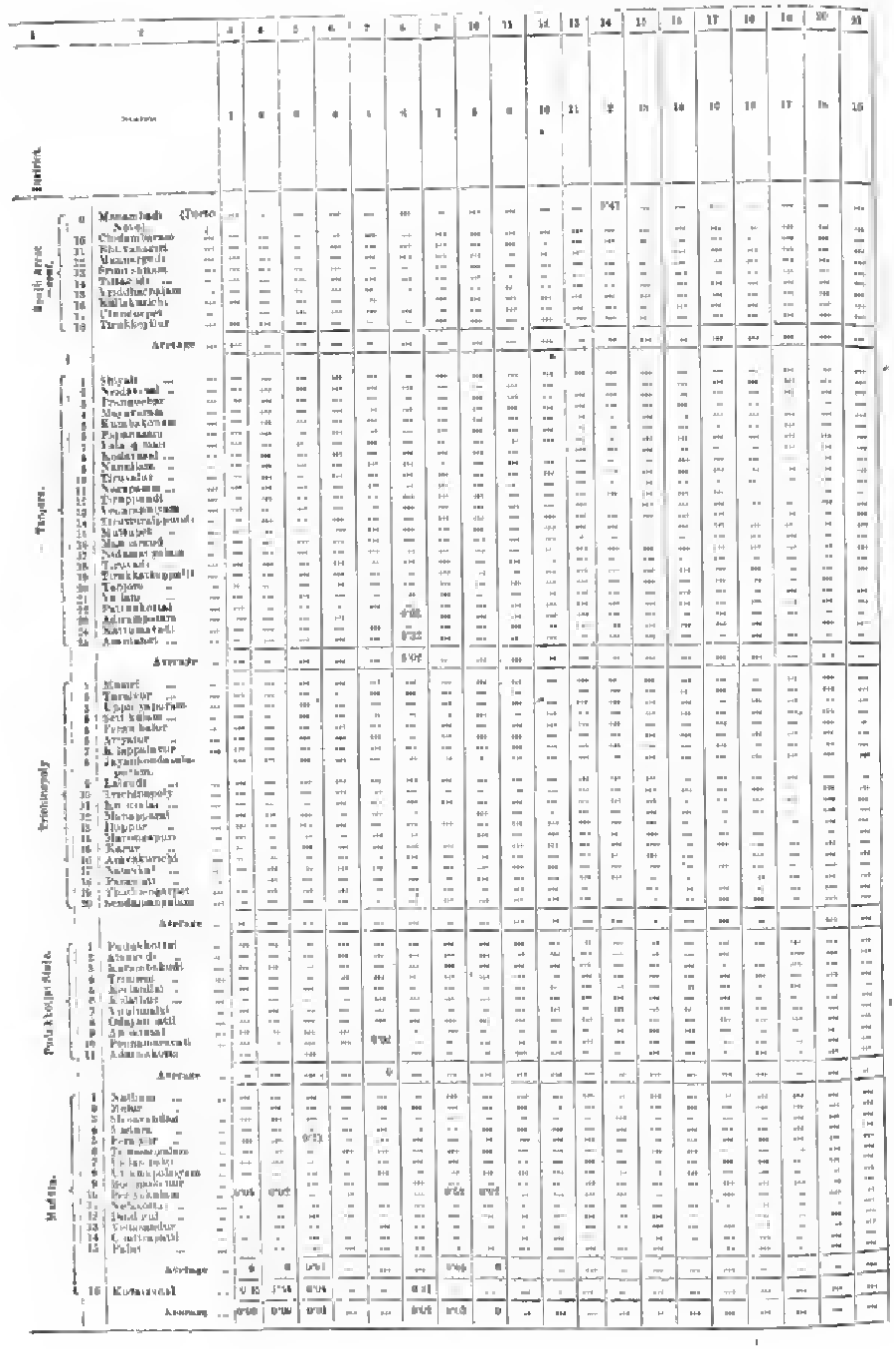
32	33	34	35	36	37	38	39	40	Stations.	
Rainfall from 1st to 31st.	Rainfall from 16th to 31st.	Total rainfall for the month.	Average rainfall for the month	Heaviest rainfall during the month.	Total number of rainy days in the month.	Average number of rainy days in the month.				
									Vizagapatam.	Godavari.
									Kistna.	Guntur.
									Nellore.	
									Cuddapah.	
									Kurnool.	
									Bellary.	
									Anantapur.	
									Chittoor.	
									North Arcot.	
									South Arcot.	
									Chingleput.	
									Madras.	
									Salem.	
									Coimbatore.	
									Nilgiris.	
									Malabar.	
									South Canara.	
									Tinnevelly.	
									Madura.	
									Ramnad.	
									Tanjore.	
									Trichinopoly.	
									Pudukkottai.	
									Average.	
									Negapatam.	
									Tranquebar.	
									Karaikal.	
									Mahé.	
									Calicut.	
									Cannanore.	
									Tellicherry.	
									Average.	
									Palghat.	
									Ootacamund.	
									Coonoor.	
									Kotagiri.	
									Average.	
									Vizagapatam.	Agencies.
									Chicacole.	
									Parlakimedi.	
									Bobbili.	
									Salúr.	
									Gopalpur.	
									Chicacole.	
									Kimedi.	
									Vizianagaram.	
									Srungavarapukota.	
									Cheruvupalli.	
									Narasingapatam.	
									Kimedi.	
									Rajahmundry.	
									Maredumilli.	
									Polavaram.	
									Nellimarla.	
									Average.	
									Bhadrachalam.	
									Polavaram.	
									Chodavaram.	
									Peddapuram.	
									Tuni.	
									Pithapuram.	
									Pedapudi.	
									Razahmundry.	
									Akidu.	
									Ramachandrapuram.	
									Cocanada.	
									Coringa.	
									Mummidivaram.	
									Konaseema.	
									Amalapuram.	
									Razole.	
									Average.	
									Ellore.	Godavari.
									Nidadavole.	
									Narsapur.	
									Bhimavaram.	
									Tadepalle.	
									Ungutur.	
									Kaikalur.	
									Gudivada.	
									Gannavaram.	
									Tiruvur.	
									Bezwada.	
									Jaggayyapet.	
									Nandigama.	
									Kodad.	
									Huzur.	
									Chintalapalli.	
									Kovvur.	
									Nuzvid.	
									Tiruvur.	
									Nandigama.	
									Narsapur.	
									Average.	

Table of Rainfall recorded at Stations in the

Madras Presidency for the month of March 1913—*cont.*

28	29	30	31	32	33	34	35	36	37	38	39	Stations.	Districts.
10	11	12	13	14	15	Rainfall from 1st to 15th.	Rainfall from 16th to 31st.	Total rainfall for the month.	Average rainfall for the month.	Greatest rainfall during the month	Total number of rainy days in the month.	Average number of rainy days in the month.	
												Ginjee	North Arcot.
												Mn. rungam	
												Sattenapalle	
												Tenali	
												Nellapanadi	
												Kandili	
												Palnad	
												Bapatla	
												Ongole	
												Cumbum	
												Gudur	
												Nellore	
												Kavali	
												Atmakur	Nellore.
												Udayagiri	
												Kanigiri	
												Podili	
												Darsi	
												Pamidi	
												Kambham	
												Rayadi	
												Cumbum	
												Giddalur	
												Markapur	
												Yerragondapalem	
												Dornipad	
												Tarlupad	
												Average.	
												Madras	Madras.
												Kaliur	Chingleput.
												Adyar	
												Ponneri	
												Sriperumbudur	
												Tambaram	
												Chengalpattu	
												Saidapet	
												Poonamallee	
												Tiruvallur	
												Cheyur	
												Madurantakam	
												Uttiramerur	
												Average.	
												Tiruttani	Chittoor.
												Puttur	
												Kalahasti	
												Tirupati	
												Chandragiri	
												Pakala	
												Chittoor	
												Vellore Gardens	
												Palmaner	
												Punganur	
												Madanapalle	
												Vayalpad	
												Piler	
												Average.	
												Polur	North Arcot.
												Arni	
												Wandiwash	
												Tiruvallam (Chey-	
												yaru).	
												Arcot	
												Walajah	
												Shollinghur	
												Arkonam	
												Vellore	
												Anicut	
												Gudiyatam	
												Kaveripak	
												Sholinghur	
												Tirupattur	
												Tirupattur (Jamba-	
												kam).	
												Chengam	
												Average.	
												Cuddapah	South Arcot.
												Tindivanam	
												Ulundurpet	
												Vanur	
												Villupuram	
												Panruti	
												Cuddalore	
												Attur (Salem)	Salem.

Table of Rainfall recorded at Stations in the

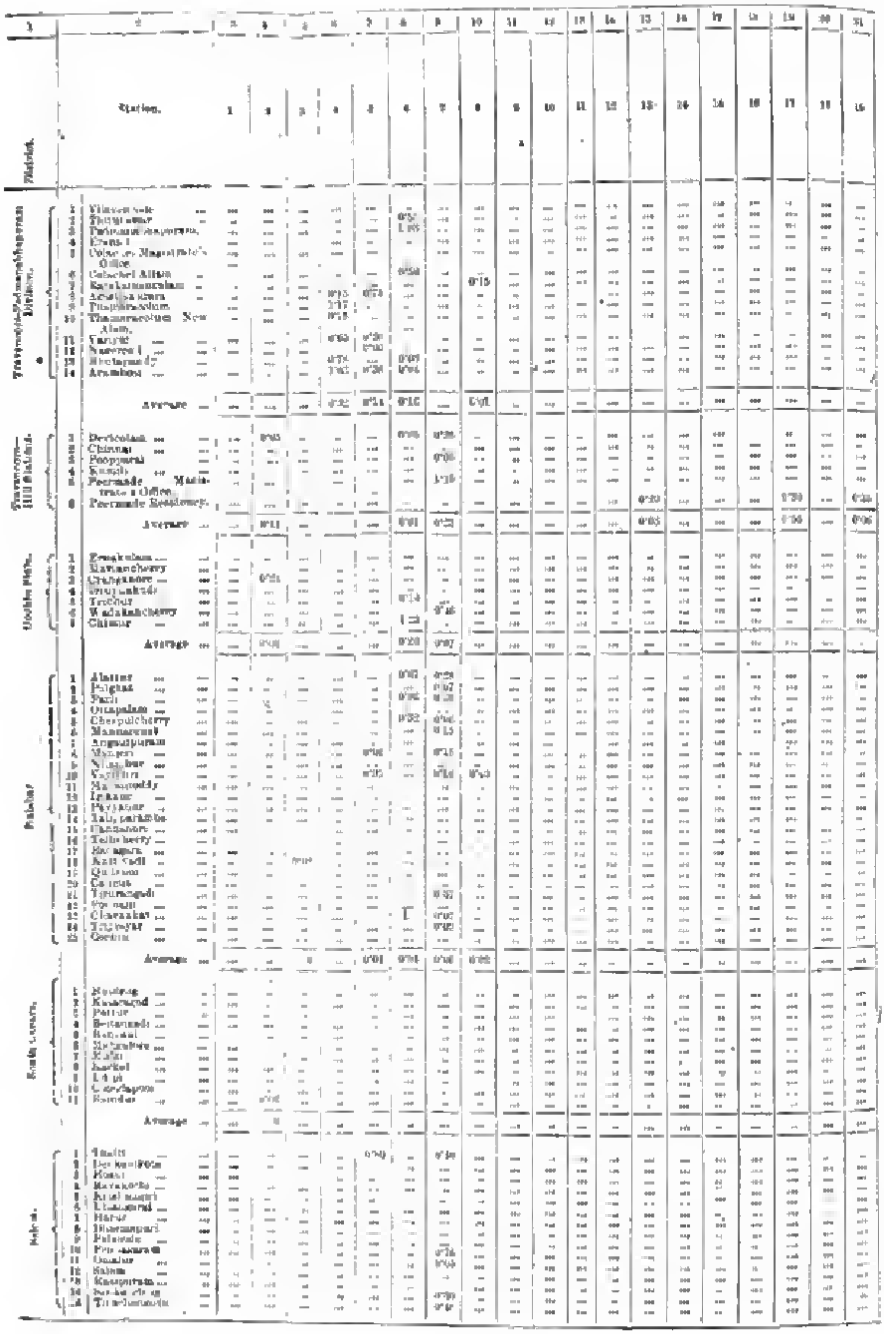


Madras Presidency for the month of March 1913—*cont.*

Table of Rainfall recorded at Stations in the

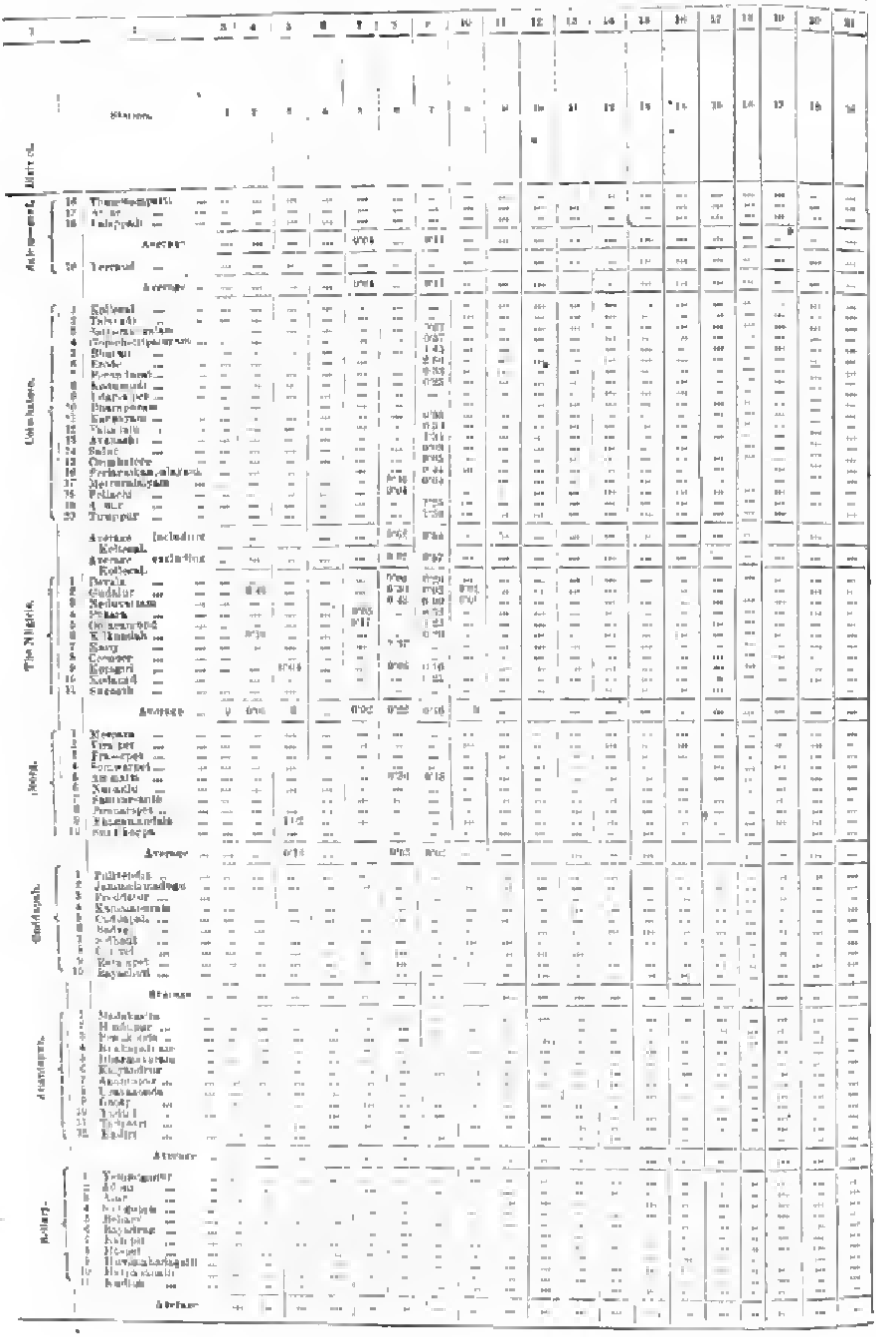
Madras Presidency for the month of March 1913—*cont.*

Table of Rainfall recorded at Stations in the



Madras Presidency for the month of March 1913—*cont.*

Table of Rainfall recorded at Stations in the



Madras Presidency for the month of March 1913—*cont.*

10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	Stations.	
														Rainfall from 1st to 31st.	Rainfall from 16th to 31st.	Total rainfall for the month.	Average rainfall for the month.	Highest rainfall during the month.	Total number of rainy days in the month.	Average number of rainy days in the month.									
																												Thanjavur ...	Delta.
																												Attur ...	
																												Vellapadi ...	
																												Averages.	
																												Yercaud ...	Salem—contd.
																												Averages.	
																												Kullegal ...	Coimbatore.
																												Talwadi ...	
																												Hulymangalam ...	
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																												Avanashi ...	
																												Sulur ...	
																												Coimbatore ...	
																												Periyanaikenpalayam ...	
																												Mettupalayam ...	
																												Pollachi ...	
																												Anamalai ...	
																												Tirupur ...	
																												Averages including Kullegal.	
																												Averages excluding Kullegal.	
																												Berain ...	The Nilgiris.
																												Gudalur ...	
																												Naduvattam ...	
																												Pykara ...	
																												Glenmorgan ...	
																												Kotagiri ...	
																												Kairy ...	
																												Coonoor ...	
																												Kotagiri ...	
																												Kodaguad ...	
																												Naduvattam ...	
																												Averages.	
																												Mercara ...	Coorg.
																												Virajpet ...	
																												Pirapupet ...	
																												Somwarpet ...	
																												Ammatti ...	
																												Napoklu ...	
																												Bettathmanadu ...	
																												Ponnampet ...	
																												Bhagamandala ...	
																												Somwarpet ...	
																												Averages.	
																												Pulivendla ...	Cuddapah.
																												Jammalamadugu ...	
																												Proddatur ...	
																												Kamalapuram ...	
																												Cuddapah ...	
																												Rajampet ...	
																												Sidhout ...	
																												Chintopi ...	
																												Rayachoti ...	
																												Kanigiri ...	
																												Averages.	
																												Madakasira ...	Anantapur.
																												Hindupur ...	
																												Penukonda ...	
																												Hill Rangapuram ...	
																												Dharmavaram ...	
																												Kalyandrug ...	
																												Anantapur ...	
																												Uravakonda ...	
																												Guty ...	
																												Yadiki ...	
																												Tadpatri ...	
																												Kadiri ...	
																												Averages.	
																												Tottiampudur ...	Bellary.
																												Adoni ...	
																												Alur ...	
																												Sirugupa ...	
																												Bellary ...	
																												Mahadevbanda ...	
																												Kanakgiri ...	
																												Hospet ...	
																												Kamalapuradagalli ...	
																												Harpanahalli ...	
																												Kudligi ...	
																												Averages.	

Table of Rainfall recorded at Stations in the

District.	Stations.	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21
Kurnool.	Nandikotkur																					
	Kurnool																					
	Dhone																					
	Pattikonda																					
	Koilkuntla																					
	Average																					

Meteorological Office, Madras.
16th April 1913.

Madras Presidency for the month of March 1913—*contd.*

| 32 | 33 | 34 | 35 | 36 | 37 | 38 | 39 | 40 | 41 | 42 | 43 | 44 | 45 | 46 | 47 | 48 | 49 | 50 | 51 |

SUPPLEMENT TO PART II

OF

THE FORT ST. GEORGE GAZETTE.

No. 18.] MADRAS, TUESDAY EVENING, MAY 6, 1913. [Price, 6 pies

METEOROLOGICAL RESULTS.

FROM THE MADRAS OBSERVATORY REGISTER.

1913.	Barometer reduced to 32°	Thermometers: Corrected Daily Means: Dry.	Wet.	Observed Extremes: Max.	Min	Solar Heat in Vacuo. Maximum	Humidity.	Wind: Prevailing direction.	Daily velocity.	Depth of rain.	Cloudy sky.	Bright sunshine.	General weather.
April.	Inches.	°	°	°	°	°	Cts.		Miles.	Inches	Cts.	Hrs.	
28th Mon.	29·805	88·1	73·4	93·3	73·3	137·8	74	S.E. by S.	167	..	15	10·0	Fine
29th Tues	·794	86·1	80·3	86·3	79·9	139·5	76	S.E. by E.	177	..	10	9·9	Do
30th Wed.	·775	88·8	79·3	94·8	75·4	141·4	71	S. by E	207	..	33	7·1	Fine with passing clouds.
May.													
1st Thurs	·755	86·6	78·9	97·3	80·6	140·3	70	S. by E.	197	..	20	7·1	Do
2nd Fri.	·749	87·3	79·6	98·2	81·4	140·8	76	S. by W.	171	..	26	8·2	Do
3rd Sat.	·781	86·5	80·9	94·7	80·4	138·6	78	S.S.W.	141	..	33	4·6	Fine
4th Sun. ..	·789	88·2	79·7	89·1	83·3	141·1	67	S. by W.	223	..	16	8·9	Distant thunderstorm

The Standard Barometer and Thermometers are read at 8 A.M., 10 A.M., 4 P.M., and 6 P.M., and the daily means are obtained by the application of hourly corrections, deduced from twenty years' observations. The cistern of the Barometer is twenty-two feet above the level of the sea, and the receiver of the Rain Gauge is two feet from the ground. The wind, rain and general weather registered are for the current Civil Day—from midnight to midnight.

The total quantity of rain collected since January 1st is 0·16 inch, the average due for the same period being 2·50 inches.

ABSTRACT of the MEAN METEOROLOGICAL CONDITION of MADRAS in April 1913 compared with the average of past years.

Mean values of	1913.	Difference from	Average.
Reduced atmospheric pressure	29·820	0·026 below	29·846
Temperature of air	85·4	4·4 above	81·0
Do of evaporation	79·2	1·6 ,,	77·6
Percentage of humidity	75	1 ,,	74
Greatest solar heat in vacuo	127·8	3·9 below	141·7
Maximum in shade	94·2	1·9 above	92·3
Minimum in shade	78·0	1·7 ,,	77·2
Do on grass	77·2	2·8 ,,	74·7
Rainfall in inches on 1 day	0·02	0·60 below	0·62
Do since January 1st on 2 days	0·16	2·02 ,,	2·18
General direction of wind	S.E by S.	Same as	S.E. by S.
Daily velocity in miles	183	2 above.	181
Percentage of cloudy sky	21	7 below	28
Do. of bright sunshine	72 8	2·4 above	69·5

DURATION and QUANTITY of the WIND from different points.

From	Hours.	Miles.	From	Hours.	Miles.	From	Hours.	Miles.	From	Hours.	Miles.
North.	1	7	East.	2	9	South.	23	325	West.	..	..
N. by E.	1	8	E. by S.	12	59	S. by W.	28	223	W. by N.	..	..
N.N.E.	1	4	E.S.E.	3	24	S.S.W.	19	179	W.N.W.	..	..
N.E. by N.	..	..	S.E. by E.	38	242	S.W. by S.	7	68	N.W. by W.	..	..
N.E.	1	10	S.E.	65	502	S.W.	1	6	N.W.	..	..
N.E. by E.	..	..	S.E. by S.	333	2,669	S.W. by W.	2	9	N.W. by N.	..	..
E.N.E.	..	..	S.S.E.	138	1,188	W.S.W.	..	..	N.N.W.	2	9
E. by N.	3	22	S. by E.	36	318	W. by S.	..	..	N. by W.	2	14

There were 12 calm hours during the month. The resultant corresponding to the above numbers is represented by a S.S.E. wind, blowing with a uniform daily velocity of 179 miles

J. L. SIMONSEN,
Offg. Deputy Director.

Madras Observatory, 5th May 1913.

MADRAS: PRINTED AND PUBLISHED BY THE SUPERINTENDENT, GOVERNMENT PRESS.

SUPPLEMENT TO PART II
OF
THE FORT ST. GEORGE GAZETTE.

No. 18.] MADRAS, TUESDAY EVENING, MAY 6, 1913. [Price, 6 pice.

ABSTRACT OF SEASON REPORT FOR THE WEEK ENDING THE 3RD MAY 1913.

RAINFALL AND PRICES OF THE STAPLE FOOD-GRAINS.

Districts.	Rainfall in inches			Price in Seers (or 82 tolas) per Rupee.											
		Up to the end of the week from 1st April		Rice			Ragi.			Cholam			Cumbu.		
	In the week	1913.	Average of 40 years.	Average for May.	Last week.	This week.	Average for May.	Last week.	This week.	Average for May.	Last week.	This week.	Average for May.	Last week.	This week.
Circars.															
Ganjam ..	0·03	0·7	1·8	19·8	8·7	8·8	29·8	16·0	15·2						..
Vizagapatam. { A.	0·1	1·3	2·7	10·5	8·4	8·3	18·0	14·8	14·6	..	16·3	16·8	19·4	19·1	16·1
Vizagapatam. { L.	0·2	0·5	1·5												
Godavari ..	0·1	0·2	1·2	18·6	9·7	9·7	19·0	13·2	13·1	13·0	11·5	14·0	..	16·1	17·1
Kistna ..	..	..	1·1	10·9	7·1	7·1	16·1	12·5	12·4	12·8	11·4	11·6	..	16·5	15·8
Guntur ..	..	..	0·1	11·6	7·1	7·2		14·6	14·3	16·5	11·7	11·3	17·4	12·3	13·5
Deccan.															
Kurnool ..	0·1	0·5	0·8	9·5	6·8	6·8	..	13·3	13·0	20·2	13·8	12·8	16·3	13·1	13·1
Bangampalle	..	0·7	† 0·9		6·8	6·8	..				10·7	13·7		..	..
Bellary ..	0·3	0·4	1·1	8·3	6·7	6·7	..	13·4	13·7	17·3	13·8	14·3		..	..
Anantapur ..	0·3	1·3	† 2·8		7·0	7·0					15·8	15·8		..	..
Cuddapah ..	0·1	0·2	0·9	10·1	8·3	8·3	20·3	14·7	14·7	16·3	13·6	13·5	18·0	14·3	14·3
		0·1	0·7	9·8	7·3	7·3	18·5	13·9	13·8	19·8	12·7	12·7	17·4	13·1	13·7
Carnatic.															
Nellore ..	..	0·2	2·7	11·8	7·8	7·8	18·6	14·0	14·2	17·8	13·1	13·2	16·8	13·6	13·4
Chingleput ..	..	0·4	2·7	10·3	8·2	8·0	18·0	13·3	13·3	..	..	..	..	..	..
Madras ..	..	..	2·3	8·3	7·3§	7·3	18·3	13·7	13·7	..	..	..	14·7	12·3	9·8
South Arcot.	..	0·2	3·2	10·4	6·6	6·3	14·1	12·6	11·8	..	..	..			
Central.													16·5	13·8	13·6
Chittoor ..	..	0·1	1·0	11·1	8·1	8·2	19·4	13·5	14·3	..	..	..	16·1	11·3	11·4
North Arcot ..	..	0·5	1·2	10·8	7·7	7·7	18·3	13·1	13·1	..	..	..	16·8	11·6	11·6
Salem ..	..	0·3	1·2	9·7	8·8	8·7	17·8	14·3	14·3	16·1	12·8	12·8	16·8	12·8	12·6
Coimbatore ..	..	0·2	0·8	8·3	7·1	7·1	17·2	13·5	13·8	15·7	10·6	10·3	15·4	12·0	12·4
Trichinopoly. ..	..	0·5	2·8	10·0	8·7	8·7	16·8	12·4	13·4	16·8	11·5	11·8	16·1	10·3	10·8
South.															
Tanjore ..	..	0·8	1·8	10·1	7·8	7·7	16·9	13·3	13·6	..	..	..	..	..	..
Pudukkottai. ..	..	1·3	§ 1·8	..	7·0	7·0	..	12·8	13·7	..	13·5	13·3	..	12·3	12·5
Madura ..	0·2	1·0	1·4	10·1	7·4	7·3	17·1	13·0	13·8	15·3	12·7	11·8	14·7	10·7	12·7
Ramnad ..	0·2	1·3	1·3	10·3	8·2	8·3	18·3	13·8	13·8	16·8	11·2	11·0	14·1	11·5	11·8
Tinnevelly ..	0·1	1·3	2·3	10·8	7·3	7·9	16·7	12·3	12·3	15·8	10·6	10·8	13·4	10·4	12·9
West Coast.															
Malabar ..	0·5	1·7	4·8	9·8	7·5	7·8	..	..	..	..	..	..	..	..	..
South Canara	0·5	1·6	2·4	10·7	8·1	8·3	..	..	..	..	..	..	..	..	..
Travancore ..	1·8	4·5	§ 5·0	..	7·3	7·5	..	..	..	..	..	..	..	..	..
Cochin ..	2·0	2·7	† 4·1	..	7·0	7·1	..	..	..	..	..	..	..	..	..
Hills.															
The Nilgiris	0·4	1·9	4·8	8·6	8·7	8·7	14·9	11·8	11·8	..	..	..	..	..	..

L. = Literal.

A. = Agency.

* Average of the 31 years ending 1911-12.

† Of the five years ending 1909-13. ‡ Revised figure. § Of the 20 years ending 1909-10.

DISTRICT REPORTS.

GANJAM.

Water-supply generally sufficient. Surada and Russellkonda reservoirs 24·4 and 38·65 feet deep, respectively. Standing crops fair. Harvested ragi and gingelly; outturn fair. Pasture scarce in two taluks; fodder available. Condition of cattle generally good. Employment available. Grain-stocks sufficient. Prospects fair.

VIZAGAPATAM.

Water-supply generally sufficient. Transplantation of sugarcane commencing or proceeding and of paddy proceeding. Standing crops thriving. Harvested chillies, gingelly, sugarcane, ragi, cholam and greengram; outturn fair to normal. Pasture and fodder generally sufficient. Condition of cattle good. Employment available. Grain-stocks sufficient. Prospects generally fair.

GODAVARI.

Water-supply insufficient in two taluks and two divisions. Godavari 2·5 feet below anikat and discharge inadequate. Manuring continues, preparing of seed-beds for next cultivation in progress. Standing crops generally fair, but paddy requires water. Harvested paddy and gingelly, outturn poor to normal; sugarcane, chillies and tobacco, fair to normal; cotton, normal; onions and garlic, fair. Pasture insufficient in five taluks and five divisions; fodder not reported. Condition of cattle good. Employment available. Grain stocks sufficient. Prospects fair.

KISTNA.

Water-supply generally sufficient. Kistna 1·8 feet below anikat; sufficiency of discharge not reported. Manuring in progress. Standing crops fair. Harvested paddy; outturn fair to normal; castors, indigo and gingelly, fair; sugarcane, normal. Pasture almost *nil*; fodder sufficient. Condition of cattle generally good. Employment available. Grain-stocks sufficient. Prospects fair.

GUNTUR.

Water-supply insufficient. Manuring of lands for next season in progress. Standing crops fair to good. Harvested cotton; outturn fair. Pasture scanty; fodder sufficient. Condition of cattle generally good, but black-quarter in one taluk. Employment available. Grain-stocks sufficient. Prospects fair.

KURNOOL.

Water-supply generally sufficient except under rain-fed tanks. Tungabhadra 4·3 feet below anikat, but discharge adequate. Ploughing and weeding in progress in parts. Standing crops fair. Harvested cotton and paddy; outturn fair to normal. Pasture scanty; fodder sufficient. Condition of cattle generally good. Employment available. Grain-stocks sufficient. Prospects generally good.

BANGANAPALLE.

Water-supply sufficient. Standing crops fair. Pasture empty; fodder sufficient. Condition of cattle good. Employment available. Grain-stocks sufficient. Prospects generally good.

BELLARY.

Water-supply sufficient except in parts of three taluks. Ploughing for early crops, removing of sarkt grass, planting of sugarcane and weeding going on in parts. Standing crops fair to good. Harvested cotton, outturn poor to bumper; sugarcane, normal; second crop paddy, fair to normal. Pasture scarce in two taluks and *nil* elsewhere; fodder sufficient. Condition of cattle good, but rinderpest in one taluk and anthrax in another. Employment available. Grain-stocks sufficient. Prospects good.

SANDUR.

Water-supply sufficient. Ploughing going on. Standing crops good. Pasture scarce; fodder sufficient. Condition of cattle very fair. Employment available. Grain-stocks sufficient. Prospects generally good.

ANANTAPUR.

Water-supply sufficient except in two taluks and in parts of two others. Ploughing and manuring for early crops, sowing of korra, weeding of paddy and planting of sugarcane going on in parts. Standing crops fair. Harvested paddy and sugarcane; outturn fair to normal; cholam, poor to fair; ragi, castors and cotton, fair. Pasture scarce in one taluk and in parts of two others; fodder available. Condition of cattle generally good. Employment available. Grain-stocks sufficient. Prospects fair.

CUDDAPAH.

Water-supply sufficient except in parts. Ploughing and sowing of indigo in progress. Standing crops fair. Harvested paddy, ragi, turmeric, gingelly and cotton; outturn fair to normal. Pasture scanty; fodder available. Condition of cattle good, but foot and mouth disease in parts of one taluk. Employment available. Grain-stocks sufficient. Prospects fair.

NELLORE.

Water-supply generally sufficient except in parts. No flow over Nellore anikat; no report from Sangam; discharge from Nellore anikat insufficient. Sowing and weeding of paddy in progress. Standing crops fair to good generally. Harvested paddy, ragi, cholam, arika and horsegram; outturn fair to normal. Pasture and fodder generally sufficient. Condition of cattle generally good, but black-quarter in parts. Employment available. Grain-stocks sufficient. Prospects good.

CHINGLEPUT

Water-supply sufficient. Ploughing and sowing of paddy and gingelly, weeding and transplanting of paddy and ragi in progress. Standing crops fair. Harvested paddy and ragi; outturn fair. Pasture scarce in parts of one taluk and fodder generally available. Condition of cattle good. Employment available. Grain-stocks sufficient. Prospects fair.

MADRAS.

Employment available. Grain stocks sufficient.

SOUTH ARCOT.

Water-supply insufficient in parts of three taluks. Ploughing, sowing of paddy, ragi, indigo groundnut and planting of sugarcane, transplanting and weeding of paddy and ragi proceeding in parts. Standing crops fair. Harvested paddy, ragi, cholam, groundnut and sugarcane; outturn fair. Pasture insufficient except in four taluks; fodder sufficient. Condition of cattle generally good. Employment available. Grain-stocks sufficient. Prospects fair.

CHITTOOR.

Water-supply sufficient. Ploughing, sowing of gingelly, cholam and ragi and transplanting and weeding of sugarcane in progress. Standing crops generally fair. Harvested paddy, sugarcane, ragi and cholam; outturn fair to normal. Pasture available except in parts of one taluk; fodder available. Condition of cattle generally good, but black-quarter in parts. Employment available. Grain-stocks sufficient. Prospects good.

NORTH ARCOT.

Water-supply generally insufficient. Ploughing, sowing of second crop paddy, transplanting and weeding of paddy and ragi and planting sugarcane in progress. Standing crops generally fair. Harvested paddy, ragi and sugarcane; outturn fair to normal. Pasture scarce in four taluks and two divisions; fodder available. Condition of cattle generally good, but foot and mouth disease in one taluk. Employment available. Grain-stocks sufficient. Prospects generally fair.

SALEM.

Water-supply insufficient except in parts of three taluks. Sowing of paddy, cumbu, cholam and gingelly, planting of sugarcane and transplanting of paddy and ragi, in progress in parts. Standing crops good. Harvested paddy and sugarcane, outturn fair to normal; ragi and cholam, poor to normal. Pasture scarce in one taluk and parts of another; fodder available. Condition of cattle good. Employment available. Grain-stocks sufficient. Prospects fair.

COIMBATORE.

Water-supply generally sufficient; 5 feet of water in the Cauvery at Erode. Ploughing and sowing of cholam and ragi proceeding in parts. Standing crops fair. Harvested paddy in parts; outturn normal. Pasture scanty; fodder generally available. Condition of cattle generally good but anthrax in one village. Employment available. Grain-stocks generally sufficient. Prospects generally fair.

TRICHINOPOLY.

Water-supply insufficient except under river channels. Sowing of cholam and transplanting of paddy and cholam in progress in parts. Standing crops fair. Harvested paddy; outturn fair to normal; cholam, normal. Pasture and fodder generally sufficient. Condition of cattle generally good. Employment available. Grain-stocks sufficient. Prospects fair.

TANJORE.

Water-supply insufficient in three taluks. No flow over Grand Anicut and supply inadequate. Tobacco cultivation in progress in parts of one taluk. Standing crops generally fair. Harvested gingelly, tobacco, maize and paddy; outturn fair. Pasture generally sufficient, fodder available. Condition of cattle generally good, but malignant sorethroat in two taluks, foot and mouth disease and rinderpest each in one taluk. Employment available. Grain-stocks sufficient. Prospects generally fair.

PUDUKKOTTAI.

Water-supply insufficient. Cultivation of paddy and garden crops in progress in parts. Standing crops fair. Pasture insufficient; fodder sufficient. Condition of cattle good. Employment available. Grain-stocks sufficient. Prospects fair but want of rain felt in parts.

MADURA.

Water-supply generally insufficient; no discharge from Periani reported. Ploughing, sowing of paddy and cholam and transplanting of paddy in progress. Standing crops fair. Harvested paddy, ragi and cholam; outturn fair. Pasture scanty in three taluks; fodder scanty in one taluk. Condition of cattle good. Grain-stocks generally sufficient. Employment available. Prospects fair.

RAMNAD.

Water-supply generally insufficient. Ploughing and sowing of second-crop paddy and ragi in progress in parts. Standing crops fair to good. Harvested paddy, cumbu, ragi and cotton; outturn fair. Pasture scanty in parts; fodder available. Condition of cattle good. Grain-stocks sufficient. Employment available. Prospects fair.

TINNEVELLY.

Water-supply sufficient. No flow over Srivaikuntam anikat, but discharge sufficient. Ploughing in progress. Standing crops good. Harvested paddy and cholam; outturn poor to fair; gingelly, poor. Pasture insufficient in parts; fodder available. Condition of cattle generally good. Employment available. Grain-stocks sufficient. Prospects fair.

MALABAR.

Water-supply sufficient. Sowing of seed for first crop in progress. Pasture scanty; fodder available. Condition of cattle generally good, but hæmorrhagic septicæmia in one amsam. Grain-stocks sufficient. Employment available. Prospects fair.

SOUTH CANARA.

Water-supply insufficient in parts. Ploughing for and sowing of first-rice crop in progress. Standing third-rice crop generally good. Harvested third-rice crop, outturn fair to normal. Pasture scanty, fodder available. Condition of cattle generally good. Grain-stocks sufficient. Employment available. Prospects fair.

TRAVANCORE.

Water-supply sufficient. Ploughing begun. Pasture sufficient. Condition of cattle good.

COCHIN.

Water-supply insufficient in parts. Harvest of dry crops progressing; outturn not reported. Pasture and fodder sufficient. Condition of cattle good.

THE NILGIRIS.

Water-supply sufficient. Ploughing for penning and manuring of main crops and sowing in progress. Standing crops fair. Harvested coffee and tea; outturn fair. Pasture and fodder sufficient. Condition of cattle good. Grain-stocks sufficient. Employment available. Prospects fair.

SEASON TELEGRAM TO THE GOVERNMENT OF INDIA, REVENUE AND AGRICULTURAL DEPARTMENT, SIMLA

Week ending 3rd May 1913.—Rainfall good Travancore, light to fair West Coast, Nilgiris, parts Circars, Deccan and South; *nil* elsewhere. Standing crops, fair to good. Harvests of dry crops, sugarcane, paddy proceeding or concluding; outturn fair to normal. Sowings of dry crops, paddy, sugarcane proceeding normally in parts. Condition of cattle generally good; fodder and water generally sufficient. Prices stationary.

DEPT. OF REV. SETT., SUR., LAND RDS. & AGRI.,
BOARD OF REVENUE, MADRAS,
6th May 1913.

S. VENKATARAMADAS,
Secretary.

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Part III.—Proceedings of the Imperial Legislature.

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SUPPLEMENT—
Act No III of 1913.—The Administrator General's Act, 1913.—(Tamil) and (Telugu).

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

Proceedings of the Council of the Governor General of India assembled for the purpose of making Laws and Regulations under the provisions of the Indian Councils Acts, 1861 to 1909 (24 & 25 Vict., c. 67, 55 and 56 Vict., c. 14 and 9 Edw. VII, c. 4)

The Council met at the Council Chamber, Imperial Secretariat, Delhi, on Tuesday, the 18th March 1913.

PRESENT:

The Hon'ble Sir GUY FLEETWOOD WILSON, G.C.I.E., K.C.S., K.C.M.G., Vice-President, *presiding*,

and 64 Members, of whom 58 were Additional Members.

QUESTIONS AND ANSWERS.

The Hon'ble MEHERJIBAN SARDAR KHAN BAHADUR RUSTOMJI JEHANGIRJI VAKIL asked —

"(a) Will the Government be pleased to state whether they are aware that the Government of Bombay have remitted the Proclamation issued at the command of His Imperial Majesty at the time of the Delhi Coronation Durbar of 1911 remitting sundry debts due to Government by the non-jurisdictional estates in Kathiawar and Gujarat, so as to exclude from its benefits Gujarat Talukdars in

British Districts? (*Vide* Proceedings of the Legislative Council of His Excellency the Governor of Bombay, dated 8th July 1912.)

"(*b*) Will the Government of India be pleased to state whether they have received petitions from any Talukdars of Gujarat praying that they are entitled to the benefits of the concessions in His Majesty's gracious Proclamation?

"(*c*) If so, will the Government of India be pleased to state what orders have been passed on petitions so received?"

The Hon'ble Sir REGINALD CRADDOCK replied:—

"The answer to (*a*) is in the affirmative, and that to (*b*) is in the negative."

The Hon'ble BABU SURENDRA NATH BANERJI asked:—

"Is it the case as stated in some of the newspapers that Sir C. P. Lukis visited the Andamans? If so, will the Government be pleased to lay on the table any report or information submitted by him?"

The Hon'ble Sir REGINALD CRADDOCK replied:—

"Surgeon-General Sir C. P. Lukis recently visited the Andamans in order to inquire into the health of the station with particular reference to cases of malaria, dysentery and tubercle. He also examined the question of increasing the barrack accommodation.—His report is at present under the consideration of Government, but it is not intended to publish it."

The Hon'ble BABU SURENDRA NATH BANERJI asked:—

"(*a*) Is it a fact that Mr. W. V. Duke was some time ago appointed a Professor in Ravenshaw College, Cuttack on a salary of Rs. 500 a month and has now been promoted to the Indian Educational Service? If so was Mr. Duke previous to his appointment in Ravenshaw College a Professor of St Columba's College, Hazaribagh, and what was his pay when employed there?

"(*b*) If the answer to the first part of (*a*) is in the affirmative, will the Government be pleased to state what special qualification Mr. Duke possesses for the promotion, and whether before passing orders for Mr. Duke's promotion Government had considered the case of Dr. P. C. Roy?"

The Hon'ble Sir HARCOURT BUTLER replied:—

"Mr. W. V. Duke was temporarily appointed a professor in the Ravenshaw College, Cuttack, on Rs. 500 a month for six months. The Secretary of State has also sanctioned his permanent appointment in the Indian Educational Service if he is found physically fit. The Government of India have no information regarding the result of his medical examination. Mr. Duke was previously a professor in St. Columba's College, Hazaribagh. This is a privately managed institution, and his pay while employed there is not known.

"Mr. Duke is a graduate of the Royal University of Dublin, where he obtained a first senior moderatorship in history and political science and other distinctions. The case of Dr. P. C. Roy has been considered. In view of the fact that the Royal Commission on the Public Services in India will consider the question it is not possible to promote officers from the Provincial Educational Service to the Indian Educational Service. A professor of economics was required and Mr. Duke, who was not in any service, but had had experience of teaching, was selected for the appointment."

The Hon'ble Sri RAMA RAYA OF PANAGALLU asked:—

"Were any liquor shops closed during the last two years on the recommendation of Local Advisory Committees in different provinces? If so, what is the number of liquor shops so closed?"

The Hon'ble Mr. CLARK replied:—

"The information required by the Hon'ble Member will be called for from Local Governments, and will be laid upon the table."

The Hon'ble Sri RAMA RAYA OF PANAGALLU asked:—

"Will the Government be pleased to state whether they propose to make arrangements for the employment, wherever possible, of deserving members of the depressed classes, as peons, dalayats, mochis, etc., in various departments of public service?"

The Hon'ble Sir REGINALD CRADDOCK replied:—

"Government has no information regarding the present distribution of posts of the description referred to between members of the different castes. It is probable that men of the lower castes are already thus employed in considerable numbers, but any reservation of such work for them to the exclusion of others is scarcely practicable.

"In the interests of these classes, however, Government would welcome their appointment compatibly with the claims of others in posts for which they may be qualified."

The Hon'ble RAJA ABU JAFAR asked,—

"Will the Government be pleased to lay on the table of the Council a copy of opinions, private and official, received by the Government with regard to Dr. Ghose's Bill to give greater facilities to the public for calling for and inspecting accounts of public charities introduced into this Council on the 14th March 1908?"

The Hon'ble Sir REGINALD CRADDOCK replied:—

"The papers are laid upon the table."

The Hon'ble Maharaja MANINDRA CHANDRA NANDI asked:—

"With reference to the question put by the Hon'ble Sir Gangadhar Rao Chitnavis on March 13th, 1912, regarding memorials from individual clerks employed in the Postal Branch of the office of the Deputy Accountant General, Post Office and Telegraphs, praying for a revision of the existing scales of pay in view of the increased cost of living and the reply given by the Hon'ble the Finance Member, will the Government be pleased to state whether any action has been taken on those memorials, and also what orders, if any, have been issued on the report of Messrs. Dalta and Chark's Committee?"

The Hon'ble Mr. GILLAN replied:—

"The Hon'ble Member is referred to the answer given on the 18th September last to the question by the Hon'ble Mr. Bhupendra Nath Basu on the same subject. Proposals regarding the Telegraph Audit staff have recently been received and are now under consideration."

The Hon'ble Mr. VIJIARAGHAVACHARIAR asked:—

"Will Government be pleased to state whether they propose to lay on the table the correspondence between the Government of India and the Local Governments on the one hand, and between this Government and the Secretary of State on the other, on the subject of the separation of the judicial and executive functions?"

The Hon'ble Sir REGINALD CRADDOCK replied:—

"The Government do not propose at present to lay the papers upon the table."

The Hon'ble Mr. VIJIARAGHAVACHARIAR asked:—

"Is it a fact that a Circular containing somewhat new rules for guidance in the matter of promotions of the officers in the Civil Service of the Punjab was issued by the Government of India in the year 1911 and, if so, will Government be pleased to state the circumstances under which it was found desirable to enunciate the principles of those rules? Is it a fact that the actual working of the new circular has created considerable discontent among the officers and the public?"

The Hon'ble Sir REGINALD CRADDOCK replied:—

"The circular to which the Hon'ble Member refers is apparently one issued to all Local Governments, and not to the Punjab only, in October 1911, on the subject of exercising the most scrupulous care in making selections for high appointments from the ranks of the Indian Civil Service. This principle is not in itself new, and the Government of India believe that its strict application is essential to good administration and that the instructions have been accepted in that spirit both by the service and by the public."

The Hon'ble Mr. VIJIARAGHAVACHARIAR asked:—

"Will Government be pleased to state whether any and which members of the Civil Service in the Punjab recorded their opinions in favour, more or less, of the Education Bill of the Hon'ble Mr. G. K. Gokhale?"

The Hon'ble Sir HARCOURT BUTLER replied:—

"Copies of the Punjab opinions on Mr. Gokhale's Bill were circulated to Hon'ble Members at the time. A copy will be supplied to the Hon'ble Member for his information."

THE INDIAN COMPANIES BILL.

The Hon'ble Mr. CLARK moved that the Report of the Select Committee on the Bill to consolidate and amend the law relating to trading companies and other associations be taken into consideration.

The Hon'ble Mr. MONTEATH:—"Sir, I have had the honor of being on the Select Committee on the Companies Bill, and have therefore now but little to say in connection with it.

"Every clause of the big Bill has been gone through and patiently considered line by line, and I can bear testimony not only to the thoroughness with which it has been gone into, but also to the earnest desire of all the official members of the Select Committee to do the right thing.

"I do not suppose the Bill will prove a perfect Bill; for what Bill of this magnitude can be altogether perfect; nor can I expect the provisions of the Bill will be found to suit everybody; this would be against human nature; but I do think that the Bill, as a whole, will suit admirably the purpose for which it is intended, and I consider it to be a fair compromise as between Government and Commerce.

"The Report of the Select Committee shows that five clauses relating to Directors and Managing Agents referred to by the Hon'ble Member in Council on 27th January have not been included.

"These five clauses are probably the most important of the proposed amendments, and the Bill without them is therefore not complete, and because of their importance, I should like to say a few words on explanation of their exclusion.

"These clauses, as amended by the Select Committee, had, and still have, my approval, for so far as I can see at present, they constitute a fair settlement of the much vexed question of Managing Agents and their responsibilities.

"They are not in the Indian Act, nor do they find a place in the English Act, and they are therefore entirely new, and further since publication, they have been materially altered in Select Committee.

"In my opinion they constitute a fundamental alteration of the Bill as previously circulated, and because of this, it seemed to me to be necessary that the Bill, or at any rate the amended clauses, should be re-circulated.

"Re-circulation however did not commend itself to the Hon'ble Member in charge of the Bill, and he preferred to exclude the clauses and leave them for further consideration and future amending legislation, and it was under these circumstances, I signed a non-dissent report and that these clauses have been excluded.

"As a result of the correspondence in this connection, a misapprehension has arisen as between Government and the interests I represent on this Council, and I ask your indulgence, Sir, to explain and clear this up.

"The Hon'ble Member, when presenting the Report of the Select Committee to you on 5th instant, stated that these five clauses had been violently attacked in Calcutta and drew attention to the significance of these attacks all emanating from Calcutta, and that other commercial centres remained unmoved; but I beg to point out as an explanation of this that the amended clauses were submitted to Calcutta alone, and it is therefore not surprising that Calcutta was the only quarter that made comment.

"It is true that there were some references in the Press to these amending clauses, but they were not brought before other commercial centres in the same way that they were submitted to Calcutta.

"Lastly, I come to what, to me at any rate, is the nonsense of the Bengal Chamber of Commerce, on this Council, is the worst part of the accusations, namely, that the Chamber has shown discourtesy by what is alleged to be fundamental to refusing to see the Hon'ble Member and discuss matters with him.

"The telegrams that passed between the Hon'ble Mr. Clark and myself, have, by permission of Mr. Clark, been published in the Press, and I leave it to the Council to decide whether anything of discourtesy is traceable in them.

"All these telegrams were intended to convey, and all I maintain they did convey, was that the Bengal Chamber of Commerce was of opinion that, until the public had been consulted as to the amendments, the Committee of the Chamber was not in a position to give an answer on the subject, and that the Committee was anxious not to give the Hon'ble Member the trouble and inconvenience of a futile journey in Calcutta.

"I have only to add that the Bengal Chamber of Commerce is not only willing but eager to give of its best to help Government, by discussion or otherwise, not only in the past, not only now but at all times, on any matters affecting Commerce."

The Hon'ble Mr. CLARK:—"Sir, I am very much obliged to the Hon'ble Mr. Monteath for his support of the Bill. I need hardly say, Sir, that I entirely accept the Hon'ble Mr. Monteath's explanation of the attitude of the Bengal Chamber of Commerce. There are only two points to which I need refer in the very temperate and fair speech which he has made on the subject. I think he overlooks the fact that the new provisions were not exclusively the property of Calcutta. I gave our proposals as full publicity as I could when I moved for the setting-up of this Committee on the 27th January. The new clauses were published a few days later in the Press. There were no representatives of commercial opinion in Bombay on the Select Committee besides the Hon'ble Sir Charles Armstrong who unfortunately was not able to attend its deliberations. Besides, when I referred to the attacks made on the clauses, all emanating from one quarter of India, I had in mind opinions expressed in the Press as well as at Chambers of Commerce, and the Calcutta Press could not be better informed on the subject than that in other parts of the country.

"The only other point is this. I never complained of the telegrams from the Chamber of Commerce being discourteous. They were perfectly courteous in tone, but I think whoever reads them in conjunction with the Report of the subsequent proceedings at the annual meeting of the Bengal Chamber of Commerce will appreciate how I came to interpret their intention as I did, and to think that the Chamber were not dealing with us in the same spirit as that which, throughout the discussions on this Bill, we have endeavoured to show towards the views and wishes of the commercial community. I repeat, Sir, that I entirely accept the Hon'ble Member's statement, and I thank him for his assurance that Government may always count on the assistance and advice of the Bengal Chamber in the many commercial questions with which we have to deal. I can only add on our side that we shall not be backward in taking advantage of the proffer."

The motion was put and agreed to.

The Hon'ble MEHERBAN SARDAR KHAN BAHADUR HUSSONJI JEHANGIRJI VAKIL moved that the passing of the Bill be postponed for three months, and that in the meantime the Bill, as amended by the Select Committee, be republished—He said:—

"Sir, it cannot be denied that the object which prompted the Hon'ble Member in charge of the Bill to revise and consolidate the Indian law on the subject of Joint Stock Companies, on the lines of recent English legislation, is very laudable. The main object of the Bill and the salient principles underlying it, clearly indicate that the intention of the Government is to protect and safeguard the interests of the investing public, who are particularly, with respect to some of the colossal concerns, scattered over a wide area, and are consequently unable to watch the affairs of a company in which they may be interested. Certainly by the introduction of some very stringent clauses growth of bogus companies will also be checked to a certain extent. So far as the Bill aims at affording reasonable security to the share-holders, creditors and the public generally, by effective control over the companies, the country really gratefully acknowledges and appreciates the anxiety of the Government. But, at the same time, care must be taken to eliminate from the Bill such clauses as are unnecessarily hard and calculated to seriously hamper the formation and development of indigenous trading companies.

"I believe I have made myself sufficiently clear by admitting that, while a good case has been made out for introducing a measure, such as the one this Bill contemplates, some of its clauses are hard and vexatious, and others unworkable. With certain modifications the Bill will be, in my humble opinion, a most acceptable measure for protecting the public from falling into the clutches of unscrupulous and unprincipled adventurers.

"Some time therefore is absolutely necessary to effect the necessary modifications in the Bill as it now stands, and that is all that my amendment has in view.

"The Select Committee's Report on the Bill in question is dated the 3rd instant, and was placed before the Council subsequently. Some of the members residing at places about six hundred to a thousand miles away from the Capital probably received a copy thereof some days later still; so that virtually very little time has been available even to some of the members, who could with all the resources at their command, barely go through the Report which, together with the Bill as amended, comprises 127 printed pages. Sufficient time has not been given to enable members carefully to go through the various clauses of the Bill and the suggestions that have been made by the Select Committee.

"I understand the Bill is to be given effect to from the 1st of April 1914. In that case, I fail to see why the Bill should be rushed through this Session. The Hon'ble Member does not want to republish the Bill as amended by the Select Committee. That so far-reaching a change in the law of Joint Stock Companies should be effected in such a great hurry, and under circumstances which preclude the possibility of subjecting the modifications in the Bill made by the Select Committee to careful and informed criticism, is a matter which could hardly meet with public approval. I can hardly see any justification for legislating in this hurried manner, because no harm can accrue by waiting till the next Session, especially in view of the fact that the Bill in question is to be put into operation, not until the expiration of over twelve months from to-day. Moreover, the nature of this Bill is not so urgent as that of the Conspiracy Bill. No immediate danger is to be apprehended from keeping it in abeyance for a period of three months only. There is another strong reason why the Bill in question should wait for sometime. The Bill is in the first place incomplete. Some of the most important clauses relating to managing agents are dropped from the Bill for the time being, and

ers to be subsequently incorporated in it. I see from the Report of the Select Committee that, for the sake of very small changes in the phraseology of certain clauses, consequential alterations had to be made throughout the Bill

"Is it then not likely that the insertion of so many highly important clauses relating to the internal management of companies which may finally take any shape, might require a number of consequential alterations throughout the Bill, thus entailing fresh trouble and probably necessitating changes in the Bill which we are asked to pass to-day? What useful purpose is served by passing the Bill piecemeal? I beg respectfully to differ from the view taken by the Hon'ble Member and the Select Committee, that the Bill in the shape in which it is to become law, does not require republication merely on the ground that it has not been much altered. To me it appears that the Bill has been sufficiently altered to stand in need of being republished. I beg respectfully to drew the attention of the Hon'ble Member to a few of the alterations made in the original Bill by the Select Committee, which I call *substantial* alterations—alterations which require time for very careful consideration

"(1) Section 24, sub-clause 2, appears to me to be superfluous, for the simple reason that no useful purpose is gained by substituting for the term 'Legal practitioner' the words 'An Advocate, Attorney or Pleader entitled to appear before a High Court.' If it is intended to exclude District Pleaders it would be a real hardship in the smaller mofussil towns

"(2) In section 32, sub-clause 1, the word, 'fourteenth,' is omitted. I do not understand the significance of the alteration, from the 14th day to the 'day of the first or only ordinary general meeting,' etc., for submitting the annual list of members to the Registrar.

"(3) In section 36, clause 2, the Select Committee have increased the copying charges from annas two to annas six per 100 words or a fractional part thereof, throughout the Bill. In my humble opinion instead of extending additional facilities to shareholders or any persons interested in the Company the proposed enhancement in the copying charges would act as a deterrent. The proposed charges being exorbitant, compared with those obtaining in business firms and also in Courts of law, the very persons whom it is intended to benefit by the introduction of the Bill, will be practically prevented from taking copies as freely as they might otherwise do.

"(4) In section 138, clause 2, the words 'persons who are or have been officers of' are added which changes the aspect of the Bill altogether, inasmuch as to call upon past officers of a company who may have severed their connection with it long ago, to furnish satisfactory information to the Registrar, would be really a great hardship. What inducement would past officers have to come from perhaps distant places, and ransack the old registers and documents of a company whose service they may have left under peculiar circumstances unless it be either to injure its interests or to unduly favour it? Such a procedure will likewise open a door to unscrupulous persons to unnecessarily embarrass the company. Moreover their testimony could not be taken as absolutely reliable. Does not this change require consideration on the part of those vitally interested in the matter? From my personal experience as one interested in the management of Joint Stock Companies, I may be permitted to observe, that this certainly is a change of *great* importance, which requires reconsideration, and in which the public might with advantage be consulted.

"(5) Section 145, clause 1, relating to the appointment and qualifications of auditors seems to have had the attention of the Select Committee. It is however difficult to understand why the Select Committee have not deemed it necessary to specify the qualifications of such auditors. In my humble opinion it is not expedient to leave the determination of the qualifications of auditors to the Local Governments, to be varied from time to time inasmuch as no local condition are likely to affect the standard of efficiency required in an auditor, this being purely a matter of fitness. The qualifications of directors of a company are defined in the Bill; so ought those of the auditors to be. I also beg to submit that accounts have invariably been kept in the different parts of India in the prevailing vernaculars for centuries past. The contemplated changes affecting the present class of officers may be so sweeping as to eliminate the present class of auditors from the functions which they have hitherto discharged to the satisfaction of those concerned and at very moderate cost. One does not know. I am not sure whether English law imposes any restrictions in regard to the qualifications of auditors. We, members, fully conscious of our responsibilities as men and representatives of various interests, would certainly expect before voting one way or other upon this measure to know the precise effect which each clause would produce.

"(6) Section 163 relates to the circumstances under which a company may be wound up by the Court. But to wind up a company for the default mentioned in clause (a) or for the delay mentioned in clause (iii) would be a great hardship. I fully agree with the Hon'ble Mr Sitanath Roy's remarks in his Minute of Dissent on this point.

"It would be a great pity if the winding up of a company should be the result of a single default on the part of its promoters who may not after all be to blame for such default owing to circumstances beyond their control. This section certainly requires modification.

"(7) In section 236, sub-clause (3), the Select Committee have added that 'the Indian Limitation Act, 1908, shall apply to an application under this section as if such application were a suit.' As far as I can see under the old Act no such limitation was in force. This is another radical change which in my humble opinion calls for the expression of public opinion before the effect is given to it.

"I also beg to submit that the severity of several of the penal clauses is out of all proportion to the magnitude of the offence, and while they will press very hard upon those who are already in the line, they are calculated to raise apprehensions in the minds of intending *bona fide* promoters of new concerns, and thus discourage enterprise. There are several other changes made by the Select Committee to which I do not wish to advert, for fear of being too long. I presume I have made out a sufficiently strong case to justify a short postponement of the Bill for the reconsideration which it does require. I earnestly request the Hon'ble Member for Commerce and Industry therefore to be so good as to heed my request for postponement, and thus give reasonable opportunity for the expression of the public opinion on the scope of the measure, when, as the Hon'ble Member has just remarked, the public opinion on the scope of the measure, when, as the Hon'ble Member has just remarked, almost all responsible bodies have already had an opportunity of expressing their views, by waiting three months more, probably just the few who have had an opportunity of doing so might get a chance of sending in their opinions, and the Government will in that case be better supported in the measure, and leave no room for any complaint.

"Thousands of people in Gujarat are interested in the Mill industry, and every change, large or small, of law concerning this interest is studied by them with the keenest attention. I may be permitted to say that some of the leading men of Ahmedabad, which next to Bombay is the largest centre of Cotton Mill industry in India, and which perhaps would not yield even to Bombay in the number of Joint Stock Companies liquidated or wound up, with whom I had the pleasure to confer on the subject, have unhesitatingly expressed their desire to see the Bill postponed for three months, at least, to allow of the Select Committee's Report being republished and reconsidered.

"After having put before the Council my reasons, I hope that the Hon'ble Member, as well as the Council will be good enough to take into favourable consideration my amendment, and see their way to postpone the Bill at least for three months."

The Hon'ble MALIK UMAR HAYAT KHAN:—"I only wish to speak in connection with this amendment. In our part of the country our experience has been that there are some companies which are composed of very very ordinary men, and of course many of those companies were broken up and these men went to jail; but the Government of the Punjab has to spend such a lot of money and a lot of money of our countrymen also was lost. Now these are men that have no honour; they can easily go to jail. Suppose they have collected a lakh of rupees, they can go to jail for a year, and then they come back and get all this money, so if this Bill is postponed, I think there will be a lot of danger. Of course any member can bring in all the amendments by a new Bill altogether, and get all those defects put right. So I would ask the Council to pass this Bill at once."

The Hon'ble Mr. CHAPMAN:—"Sir, I think I ought to point out first of all that the Hon'ble Mr. Tahil's amendment as it stands is really impracticable. He suggests postponing this Bill for three months before passing it into law. As this Council will not be sitting this day three months, we cannot do it. It would mean postponing the Bill possibly for about a year. My objection to it however is based on a deeper principle, namely, that if we were to agree to postpone the Bill under these conditions, we should practically make legislation on important matters in this country impossible; an important Bill would continue to revolve like a gyroscope until it should cease to be important. This Bill has not been in any way hurried. The English Act, on which the Bill is based (and the Bill still very closely reproduces the English Act), was circulated in 1909, that is four years ago. The whole question has really been before the country for four years. Last year the Bill which we based on the English Act, modified in light of the suggestions received on the English Act, was circulated again through the country for opinion. These opinions have been duly received and examined, and were before the Select Committee when the Bill was considered. A good deal of the Hon'ble Member's complaint was, I think, that some of the provisions in the Bill would press hardly on indigenous companies; but these are not new provisions. Those provisions were in the English Act which was circulated in 1909, and in the Bill circulated last year. If we circulated the Bill again now, we should get no new opinions on it. There is really nothing in the Hon'ble Member's contention from that point of view.

"I think the Hon'ble Member is not quite clear as to the true principle underlying re-circulation of a Bill under our rules. It is only to be done in cases where a Bill is so fundamentally altered that it has been really different to the Bill which was put before the country and which was considered by the different bodies to whom it was submitted. I submit, Sir, it is really impossible to say that about the present Bill. For a Bill of its size, I doubt if any Bill has been so little altered in Select Committee. The Hon'ble Member went through the list of new provisions, which he considered were important, and I am sure he will forgive me for saying that he had to go pretty far afield to find them. He had for instance to cite an amendment by which the Committee altered the prescribed charge for copying. That is hardly the sort of matter which ought to cause a Bill to be re-circulated and submitted to the country again with all the delay involved. And it is very undesirable that the Bill should be delayed. I explained in Council the other day that there was a good deal of important machinery to set up in connection with this Bill, machinery which we cannot set up until the Bill has been passed into law. It is very important to improve registration in connection with it, and that means a good deal of work and correspondence with Local Governments. We have also to meet the case of the Auditors and all that takes time.

"As to the detailed points raised by the Hon'ble Member, most of them are, I think, points on which the Hon'ble Mr. Sitanath Roy has got amendments, and at any rate, it is hardly necessary for me to mention them now. The last really large commercial measure which was put through in this Council was the Factories Act of 1911. That Act was very nearly re-constructed in Committee, and no body suggested it should be re-circulated. I am afraid Government could not possibly agree to re-circulate this Bill now. There has been a very strong demand that the Bill should be passed into law. It is required to place the frame work of our commerce on a sounder footing, and in many ways it will help the commercial community. Only to-day I had a letter from an important body of Indian commercial men from Bengal urging me not to give way on this particular point. I will read a short paragraph from it.

'I am directed by the Committee to convey their heartiest thanks to the Government of India for having resisted the demand which was made with some amount of persistence . . . . for further deferring the passage of the Bill to amend and consolidate the laws relating to trading companies and other associations . . . after having re-circulated the Bill . . . My Committee are glad that the argument of the matter was fully appreciated and the request for re-circulation in deference to the wishes of some of the members of the Committee, who had sufficient opportunities already afforded to them for study and comment, involving an unnecessary delay in the passing of a measure of such vital importance having such immense potentialities for good and fraught with such far-reaching consequences to the trading and commercial community, was not countenanced.'

'I merely read that to show that there is a strong demand for the passage of this Bill. I am afraid the Government cannot agree to delay it further."

The amendment was put and negatived.

The Hon'ble Sir CHARLES ARMSTRONG:—"Sir, I beg to move the following amendment:—

'That the short title in clause 1 of the Bill, as amended by the Select Committee, be altered to the "Indian Companies (Consolidation) Act, 1913;"'

and I do this so that the Bill may agree with the preamble, which says that it is expedient to consolidate and amend the law relating to trading companies. As a matter of fact this Bill consolidates the

Companies Acts of 1882, 1887, 1891, 1895, 1900 and 1910. I would like to point out that the preamble to the Indian Companies Act of 1882 said, 'Whereas it is expedient to amend,' etc., whereas the preamble to this one says that it is expedient to 'consolidate and amend.' There is no doubt whatever that this Act is a consolidating Act, and I am advised that confusion will arise, unless the title of the Act is as I have moved in this amendment."

The Hon'ble Mr. CLARK:—"The point, Sir, is really a technical one. An Act is not called a consolidating Act if it effects any amendment in the law. It is a very important matter of drafting that consolidation should be purely consolidation without any sort of alteration in the existing law, that is, should be simply the putting together of existing Acts. In this case of course we have introduced amendments into the existing Act, and therefore it is a Bill to consolidate and amend, and not a consolidating Bill pure and simple. I am afraid therefore that we cannot put in the words which the Hon'ble Member suggests."

The amendment was put and negatived.

The Hon'ble RAI SITA NATH ROY BAHADUR:—"Sir, I beg to move that sub-clause 2 of clause 24 of the said Bill be omitted. My reason is, first that the promoters of the Company shall have to apply to the Registrar for the registration of the memorandum of association and after the registration of the said memorandum, it shall be the duty of the Registrar to give a certificate that the Company is incorporated. After that I do not think the declaration required by this clause is necessary, for after this certificate of incorporation has been given by the Registrar, the Company becomes entitled to commence work and to exercise all the necessary functions, and as such there is no further necessity for the declaration as required here. I therefore beg to propose the omission of the sub-clause."

The Hon'ble Maharaja MANINDRA CHANDRA NANDI OF KASIM BAZAAR:—"Sir, I beg to support this amendment. In view of the provisions made in clauses 21 and 22, it seems to be unnecessary to demand a declaration by an advocate, attorney or pleader, entitled to appear in a High Court who is engaged in the formation of the company or by a director, manager or secretary of the company. According to clause 21, the memorandum and articles shall, when registered, bind the company and the members thereof to the same extent as if they respectively had been signed by each member. Thus the memorandum and articles shall have all the effect of a declaration. It is further provided in clause 22 that the memorandum and articles (if any) shall be filed with the Registrar, and he shall retain and register them. These provisions are sufficiently stringent, and the declaration demanded by clause 24, sub-clause 2, is superfluous."

The Hon'ble Mr. CLARK:—"I think, Sir, there is a little misapprehension about this sub-clause 2. Sub-clause 1 lays down that the certificate of incorporation shall be conclusive evidence that all the requirements of the Act in respect of registration and of all the matters incidental thereto have been complied with: that is to say, it provides that the certificate shall have an evidential value. Consequently, the Registrar must be in a position to know whether the various conditions have been complied with. It would be a much greater nuisance to companies and company promoters if we were to leave out sub-section 2, in which case the Registrar would have to satisfy himself by personal inquiry and investigation. Sub-section 2 is really intended to make matters easier. We have added the provision permitting the declaration to be made by an advocate or attorney, etc., so as to meet cases where there is no director, manager or secretary of the company by permitting other people of a certain weight and standing to vouch that these formalities have been complied with. The provision follows closely the English Act. I cannot accept the amendment."

The amendment was put and negatived.

The Hon'ble RAI SITA NATH ROY BAHADUR:—"My second amendment, Sir, is with reference to clause 37, sub-clause 3. I beg to move that the last three lines 'together with a certificate from such director, manager or secretary that the list and summary state the facts as they stood on the day aforesaid' be omitted. What I beg to say is this that, at every stage, at every turn, if promoters and directors are required to make a declaration or to file a certificate, then very few honest people will be permitted to take part in the management of companies or to act as directors. I therefore think that all these things should not exist in the form represented. They have been borrowed from the English Act, and every clause of the English Act is not necessary in this country. The words seem to be superfluous, and I beg to ask for their omission."

The Hon'ble Mr. CLARK:—"This is another case where our altruistic motives have been misunderstood. We are really trying to save all parties trouble. It was pointed out by one of the Registrars of Joint Stock Companies, both when the English Act was circulated and subsequently when the Bill which we based on it was circulated, that a great deal of trouble and correspondence was caused by their having to return these lists and summaries in order to find out whether they stated the facts as they were on the prescribed day. All that we ask is that these certificates should be supplied without the preliminary of the information having to be asked for. That is all it comes to. It really meets the convenience of all parties—the Registrar and the people responsible for the management of the company. I am afraid, therefore, Government cannot agree to the amendment."

The amendment was put and negatived.

The Hon'ble Sir CHARLES ARMSTRONG:—"Sir, may I be allowed to move the alternative amendment which stands in my name—No. 7 on the agenda paper."

The PRESIDENT:—"You have dropped No. 6, namely, that in sub-clause (1) of clause 75 of the said Bill the word 'authorised' be omitted."

The Hon'ble Sir CHARLES ARMSTRONG:—"I have dropped No. 6."

The PRESIDENT:—"Sir Charles Armstrong will move amendment No. 7."

The Hon'ble Sir CHARLES ARMSTRONG:—"Sir, I beg to move the following amendment, that for sub-clause 1 of clause 75 of the said Bill, the following sub-clause be substituted, namely:—

Publication of authorised as well as subscribed and paid-up capital.

'(1) Where any notice, advertisement or other official publication of a company contains any statement as to the capital of the company, such notice, advertisement or other official publication shall also contain a statement in an equally prominent position and in equally conspicuous characters of the amount of the capital which is authorised, also of the amount subscribed and the amount paid-up.'

"My object in moving this amendment is so that we may have a really effective clause in the Bill which will absolutely prevent a misleading advertisement regarding the working capital of a company. The clause, as it stands, has this effect, that if a company advertises its authorised capital, it must also advertise its subscribed capital and the amount paid up. But I would put this before the Council:—supposing a company is started with the object of getting as much money as it can from the general public, supposing the authorised capital of that company is one crore of rupees, the subscribed capital of the company is 50 lakhs, and the paid-up capital is 1 lakh. The company in its advertisement will probably simply put 'Capital 50 lakhs;' and I contend that that would be an extremely misleading advertisement. What we want to get at, is the working or paid-up capital of every company, and if a company merely advertises 50 lakhs and says nothing more, then I think that that is a very misleading advertisement which we ought to take precautions against. I may be told in reply to this that the clause is similar to one which now exists in the Indian Life Insurance Bill; but I do not think that is any reason why we should incorporate a clause which is really ineffective in a Bill of this character. I may be told also that, if the 50 lakhs of capital are subscribed, the depositors are safeguarded by the liability of those who have subscribed this capital to pay up in case the company goes into liquidation. But in the case of a company such as I have described, the shareholders would in all probability be men of straw, and would not be able to pay up in case the company goes into liquidation. The clause that I have proposed, I claim, is an infinitely better one than the clause in the Bill. My clause compels the company, if it makes any reference at all to capital, to state the authorised amount, the amount subscribed and also the amount paid up: and that is really what we want to get at. The clause, as it stands in the Bill, only meets the difficulty half-way. It simply says that if a company advertises its authorised capital, it must also state its subscribed capital and its paid-up capital. What we want to get at in any case is the paid-up capital, the working capital, and by making reference to subscribed capital, I contend that a company's advertisement will be of an extremely misleading character. I hope, therefore, that this amendment will be adopted by the Council."

The Hon'ble SIR IBRAHIM RAHIMTOOLA:—"Mr. President, I wish to support the amendment that has been moved by my friend, the Hon'ble Sir Charles Armstrong. I understood when we considered the question in Select Committee, that the intention of the clause was that the public should not be misled by advertisements in which the fullest information as regards the authorised capital, the subscribed capital and the paid-up capital was not clearly shown. I regard the amendment of my friend, Sir Charles Armstrong, as merely a drafting amendment with a view of bringing out more clearly the intention of the Select Committee. When for advertisement purposes any advantage was proposed to be taken by any Company in mentioning the figures of capital of any sort, then the public should be clearly told by such company what was the amount of authorised capital, the amount of subscribed capital and the amount of paid-up capital, so that the fullest information may be available to all those people who wished to deal with it either in the matter of subscribing capital, purchasing shares, lending money or otherwise. In my opinion the question before the Council is whether the section of the Bill carries out the object with which it was introduced, or whether the alteration in the wording as suggested by my Hon'ble friend, Sir Charles Armstrong, really meets the question. I think that the Hon'ble Member in charge of the Bill should give a clear explanation in reply whether, under the clause as it stands, it will be necessary, in all cases where any mention of capital is made for advertisement purposes, that full information under the three heads must be given or not. If that is to under the section as it stands in the Bill, then the amendment need not be pressed, but if that object is not secured and if in the illustration which the Hon'ble Sir C. Armstrong gave it is possible for a company to merely advertise its subscribed capital without being required to mention the amount of the paid-up capital, then I think the amendment ought to be carried, making it imperative by Statute that all the information which the Hon'ble Sir C. Armstrong calls for shall be given."

The Hon'ble Mr CLARK:—"Sir, I admit at once that there is a certain plausibility about the proposal put forward by the Hon'ble Sir Charles Armstrong and supported by the Hon'ble Sir Ibrahim Rahimtoola, but it goes rather further than appears at first sight. The clause, as it stands in the Bill, refers only to cases where the notice or other official publication contains a statement of the amount of the authorised capital. That clause is framed on the analogy of the Life Assurance Companies Act of last year, and that Act in its turn was framed on the analogy of the English Life Assurance Companies Act of 1900. The idea in England was that Life Assurance Companies should be placed in a position of greater security than ordinary Companies, and that stricter provisions should be laid down in regard to them. That principle we adopted in the Life Assurance Act of last year. What the Hon'ble Member really asks, is that we should put ordinary Companies on a higher plane, so to speak, of restriction than Life Assurance Companies. This means introducing a rather serious anomaly into the law, and we should have to consider the question of amending the Life Assurance Companies Act; and that I think would be a little absurd at this stage when it has only been passed for about a year. I also venture to think the Hon'ble Member a little exaggerates the importance of the change that he proposes. What we want to get at, is the people who advertise an enormous sum of nominal capital which is of course a perfectly easy thing to do. There is nothing whatever to stop one, and it misleads the ignorant investor to a very serious extent. But subscribed capital at any rate implies that there are subscribers who are responsible for it. I quite agree that there may be an improperly large margin between the amount paid-up and the amount subscribed, and that the security would depend upon the financial strength of the subscribers, which may not amount to much, but it is at least something which stands on a different footing to nominal capital pure and simple.

"It has been our principle not to try too much all at once. It may seem a pusillanimous policy, but it is at least a cautious and moderate policy. I do think it is very important, especially perhaps in a country like India, not to try to do everything straight away. If we had been starting with an absolutely clean slate, perhaps there would have been something to say for adopting the proposal of the Hon'ble Member. But I think this is rather a late moment at which to put it forward. I should have liked to hear the opinions on this Bill of more of the commercial representatives in this Council. It is a matter which might very usefully have been discussed in Committee. If the other commercial representatives had generally agreed, Government might have been in a position to accept the amendment. But I do think that it is a change that we ought not to adopt at rather short notice,

at the last moment, and at this stage of the Bill. I am afraid, therefore, that Government must refuse to accept the amendment."

The Hon'ble Sir CHARLES ARMSTRONG :—"May I ask if this section can be postponed along with the others that will be considered a year hence?"

The Hon'ble Mr. CLARK :—"I am afraid not."

The Hon'ble Sir CHARLES ARMSTRONG :—"My contention is that if we are going to do anything at all in this way let us do it properly. I contend that the clause, as it stands in the Bill, does not meet the point that we have been considering for an very long. What we wish to do is to protect depositors from misleading advertisements, and there can be very little doubt that the clause which I have suggested is infinitely better than the clause in the Bill. I think it will be a very great pity, while we have an opportunity of putting a proper clause into the Bill, that we should not do so."

The question having been put the Council divided and the result was as follows :—

Ayes—21.

The Hon'ble Mr. Ghuznavi; the Hon'ble Maharaja Manindra Chandra Nandi; the Hon'ble Raja of Mahmudabad; the Hon'ble Raja Kushalpal Singh; the Hon'ble Rai Sri Ram Bahadur; the Hon'ble Nawab Saiyid Muhammad; the Hon'ble Mr. Vijiaraghavachariar; the Hon'ble Sri Rama Raya of Panagalla; the Hon'ble Khan Bahadur Mir Asad Ali Khan; the Hon'ble Sir Charles Armstrong; the Hon'ble Sir Ibrahim Rahimtoola; the Hon'ble Khan Bahadur Rustomji Jehangirji Vakil; the Hon'ble Mr. Fazulbhoy Currimbhoy Ebrahim; the Hon'ble Babu Surendra Nath Banerjee; the Hon'ble Maharaja Ranajit Sinha; the Hon'ble Raja Saiyid Abu Jafar; the Hon'ble Mr. Madhu Sudan Das; the Hon'ble Malik Umar Hayat Khan; the Hon'ble Raja Jai Chand; the Hon'ble Sardar Daljit Singh; the Hon'ble Sir G. M. Chitnavis.

Noes—43.

His Excellency the Commander-in-Chief; the Hon'ble Sir Guy Fleetwood Wilson; the Hon'ble Sir Robert Carlyle; the Hon'ble Sir Harcourt Butler; the Hon'ble Mr. Syed Ali Imam; the Hon'ble Mr. Clark; the Hon'ble Sir Reginald Craddock; the Hon'ble Mr. Hailey; the Hon'ble Sir T. R. Wynne; the Hon'ble Mr. Meugens; the Hon'ble Mr. Monteath; the Hon'ble Mr. Saunders; the Hon'ble Mr. Wheeler; the Hon'ble Mr Rotherey; the Hon'ble Mr. Sharp; the Hon'ble Mr. Porter; the Hon'ble Sir E. D. Maclagan; the Hon'ble Mr. Gillan; the Hon'ble Major-General Birdwood; the Hon'ble Mr. Michael; the Hon'ble Surgeon-General Sir C. P. Lukis; the Hon'ble Mr. Gordon; the Hon'ble Mr. Maxwell; the Hon'ble Major Robertson; the Hon'ble Mr. Kenrick; the Hon'ble Mr. Kastowa; the Hon'ble Mr. Kinney; the Hon'ble Sir W. H. Vincent; the Hon'ble Mr. Carr; the Hon'ble Mr Macpherson; the Hon'ble Mr. Munro; the Hon'ble Maharaj-Kumar of Tikari; the Hon'ble Qamrul Huda; the Hon'ble Mr. Arthur; the Hon'ble Rai Sita Nath Roy Bahadur; the Hon'ble Major Brooke Blakeway; the Hon'ble Mr. Fenton; the Hon'ble Mr. Walker; the Hon'ble Rao Bahadur V. K. Pandit; the Hon'ble Mr. Arbuthnot; the Hon'ble Srijut Ghanasyam Barua; the Hon'ble Mr. Eales; the Hon'ble Maung Mya.

So the amendment was negatived.

The Hon'ble Mr MONTEATH :—"Sir, I rise to move the amendment that clause 77 of the Bill be omitted. The clause in question is one that deals with restrictions in connection with quorums. Up to the present, neither in the English Act nor in the Indian Act, have there been any restrictions in connection with quorums, and the Select Committee were of opinion that some restrictions should be laid down defining the limits of quorums that the articles of association of a Company should prescribe, and with this in view clause 77 was drafted and included. The result of subsequent inquiries, however, is that these restrictions will bear hardly on many existing arrangements, and for this reason, I beg to propose that the clause be omitted."

The Hon'ble Maharaja MANINDRA CHANDRA NANDI of KASIM BAZAR :—"Sir, this clause appears to me to be somewhat obscure, and should be omitted as proposed by the Hon'ble Mr. Monteath. No minimum quorum is fixed for a general meeting, and the matter is left entirely to the articles. The maximum quorum 'shall not exceed ten members present in person or (when proxies are allowed to count for a quorum) twenty members present in person or by proxy.' It is not clear whether in the latter case it will be necessary or obligatory for any specified or minimum number of members to be present in person, or whether the number of members present may be more or less than ten, the balance being represented by proxy. Either both the minimum and maximum for a quorum should be fixed by Statute, or both should be left to the articles of each individual company. The latter course is to be preferred, and I accordingly support the amendment."

The Hon'ble Maharaja RANAJIT SINHA of NAGHUR :—"Sir, I beg to support the amendment which has been just now moved by my Hon'ble friend Mr. Monteath. We have borrowed the provisions of this Bill from the English Act, and when there is no such provision in the English law, I do not think that it should be inserted in the present Bill. The Government has removed many contentious matters from the Bill itself, and I think if this section be omitted, it will be acceptable to Trade and Commerce. With these few words, I beg to support the amendment."

The Hon'ble Sir IBRAHIM RAHIMTOOLA :—"Sir, I rise to oppose the amendment. The object of the clause is that it should be possible to hold general meetings where the affairs of the Company can be adequately discussed. Any restrictions of the kind, which have appeared in certain joint stock companies in which a very high percentage of the subscribed capital is required, to form a quorum at general meetings have proved detrimental to the public interest. It is, therefore, necessary that some provision of this kind should be made to remove the difficulties in the way of holding general meetings. Personally, as I stated in the Select Committee, I would have preferred it, instead of the provision in its present form, the section had left the companies free to provide for what quorum they like in the articles, with this reservation that, in the event of a general meeting not being held for want of a quorum, then say within a week afterwards an adjourned meeting shall be held where no quorum shall be necessary at all. I think it is very necessary that facilities should be provided for the shareholders to hold general meetings and discuss thereto the interests of the company. Any regulations

which make it practically impossible to hold general meetings in consequence of a high quorum cannot, I think, be acceptable in the public interest. Whether the provision is allowed to remain in the form in which it stands at present in the Bill, or whether some provision is introduced which ensures that general meetings shall not be practically precluded from being held in consequence of excessive quorum, is immaterial; but there is a clear case for some provision of the kind, and I, therefore, cannot agree to the entire omission of the clause as required by the amendment. I will, therefore, vote against it."

The Hon'ble RAI SITA NATH ROY BAHADUR:—"Sir, I also beg to support the motion. The clause is decidedly obscure. It does not prescribe that the quorum should be so and so. It only says that it should not exceed ten, but what is the minimum quorum it does not say. Also in the case of proxies, it does not say what number of persons should be present and what number of proxies are to be allowed. It is quite indefinite. It may be that nineteen gentlemen may be present by proxies and one person present personally. Would that satisfy the requirements of the section? I think it is obscure, and I think it should be omitted."

The Hon'ble Mr. PANDIT:—"Sir, I also rise to oppose the motion which has been put forward by the Hon'ble Mr. Monteath. The amendment comes certainly as a great surprise to those of us who were on the Select Committee. We understood that it was the desire of the Hon'ble Mr. Monteath and others who were on the Select Committee to have such a clause as the one now under discussion inserted in the Companies Bill in order that by unreasonable articles of association it should not be rendered well-nigh impossible for a quorum to be got together and business gone through at a general meeting. The instance of the Bank of Burma was quoted in Select Committee in support of the proposal to insert some such clause, and it was urged that it was by reason of the articles of association of that Company providing a quorum which was impracticable and which proved impossible that there were no general meetings held for years together and that in consequence the affairs of the Bank went from bad to worse and came to the crisis of which we have all heard. Now this clause 77 merely provides that by the articles of association of any company the quorum shall not be fixed so high as to render it too difficult for general meetings to be held and for the affairs of the company to be discussed by the shareholders and no reasons for omitting it have been assigned. The Hon'ble Rai Bahadur Sita Nath Roy has taken exception to this clause on the ground that it is obscure, but I do not see that there is any obscurity in the clause. All that it lays down is, that if by the articles no proxies are allowed and members are required to be present, a quorum shall not be more than ten members present in person and if proxies are allowed, then the quorum shall not be more than twenty, inclusive of proxies. Now it is quite true, as the Hon'ble Rai Bahadur Sita Nath Roy has pointed out, that where proxies are allowed, it may admit of any two members being present in person with eighteen proxies, and that may constitute a quorum at a general meeting. But with regard to the former there is no difficulty whatever, and in the articles of association a provision can be made for a much smaller number than ten provided in clause 77. I submit, therefore, that by striking out this clause 77 we shall leave the affairs of the companies open to very much the same objection as was pointed out and raised in the Select Committee in connection with the Burma Bank affairs, and some such clause is necessary in the best interests of shareholders and of commercial and industrial enterprise. I therefore oppose the motion for omitting this clause of the Bill."

The Hon'ble Mr. CLARK:—"Sir, the Hon'ble Mr. Pandit who has just spoken has expressed the meaning and intention of this clause quite clearly. I agree with him that the clause is not obscure, although it perhaps looks a little curious because you expect the law to prescribe a minimum quorum rather than a maximum. But the point which we wished to meet, the point we had in mind, was a possibility which has already cropped up in one or two cases, namely, that the articles of association may fix a quorum so high that practically speaking a general meeting cannot be held. I believe they have a small quorum just for passing accounts and so on, but for other purposes they have this large quorum that practically prohibits a proper meeting being held, and the action consequently of the management of the company being properly criticised. Of course that is an undesirable thing, and it would be desirable to meet it. But it turns out to be just one of these cases where it proves very difficult to meet a specific case, a specific wrong if you like, in a general body of law like this, without cutting across something else. It is quite true, as Hon'ble Members have said, that the Committee agreed to accept this clause, and the Hon'ble Mr. Monteath, who is now moving it out, himself agreed to accept it, for he himself approved of its object. The only difficulty is the way it works in practice. Apparently it is the custom in a good many cases to fix in the articles of association and in contracts that certain things can only be done by an extraordinary resolution at meetings where there is to be a specified quorum larger than that provided for in this clause. We should be seriously interfering with the existing commercial practice—at any rate on one side of India—that may not be quite convincing to people on the other side—but one of the difficulties of legislating in India is that you have to meet the requirements and interests of every side. I regret we are unable to deal with this evil. It is not a common one. We have heard of only one case I believe, but it would have been an advantage if we could have dealt with it. In the circumstances, however, I must agree to the omission of the clause. The amendment is accepted."

The motion was put and agreed to.

The Hon'ble RAI SITA NATH ROY BAHADUR:—"Sir, I beg to move for the omission of all the sub-clauses from 2 to 11 in clause 78. It may seem that I am asking for too much, but I beg to point out that all these sub-clauses are entirely new, and are not suited to this country. A joint-stock company which is started with a small capital and which has to maintain a small clerical establishment, may find it very hard to comply with the requirements of the section. It would entail a heavy burden, and would require a good deal of time and labour to prepare and submit such a report. In my opinion the burden would be too heavy for a small company to bear. In fact throughout the Bill such a heavy burden and responsibility has been thrown upon the directors and managing staff, coupled with the fact of their being required at every stage to file a certificate, or to make a declaration, that it would have the effect of preventing many honest people from attempting to promote a joint-stock company.

"The elaborate provisions made here and elsewhere which have no place in the existing Act will, in my opinion, tend to frighten away people from assuming any responsible position in the formation of joint stock companies. The object of the legislature is undoubtedly good and is evidently

intended to safeguard the interests of investors; but the provisions though well meant need not necessarily be all suitable. In a country where capital is so small and shy hard and fast conditions will surely go to discourage promoters from floating joint-stock companies. Under these circumstances, I beg to move for the omission of sub-clauses 2 to 11 from clause 78."

The Hon'ble Mr. CLARK:—"Sir, to this amendment and to some subsequent amendments, I think the Hon'ble Member has one definite principle in view—or rather one definite end. I sympathise with his end, but I entirely, I am afraid, disagree with the means which he proposes to employ to secure it. The end is to encourage capital to come out from its lair and invest itself in companies. So far we are entirely at one. We differ as to the means. His idea is to place as few restrictions on possible at a time; but as people are not all honest, somebody will sooner or later take advantage of it, and people will begin to lose their money. Now as people put their money into companies, not with a view to lose money but to make more, that is not the way to encourage the investment of capital. It seems to me that, as long as you avoid conditions which are unnecessarily burdensome, the duty of Government as regards the best way of encouraging the investment of capital in this country, is to make it as safe as possible. In this particular case, I do not think anybody really can maintain that the provisions are burdensome. The law, as it stands, already provides for statutory meetings, but the provision as to the statutory report is a new one. The statutory report which must be forwarded to every member before the meeting must contain certain necessary details regarding the share capital, the financial position of the company, the names, addresses, etc., of the principal officers of the company, and the particulars of any contract, the modification of which is submitted to the company for its approval. A copy of this report has also to be filed with the Registrar; a list of the members of the company giving certain details has to be produced and kept open to inspection at the meeting; and any matters arising out of the statutory report are to be open to discussion. That is all. That is really all that these sub-clauses provide, and I do not think anybody can seriously contend that they can be any serious hindrance to the formation of companies, or that they will give alarm to people who are responsible for the formation of companies. On the other hand, they do provide most useful information for the people who are investing in those companies. I am afraid, in these circumstances, Government cannot accept the amendment."

The amendment was put and negatived.

The Hon'ble RAI SITA NATH ROY BAHADUR:—"Sir, my next amendment is with reference to clause 85, sub-clause (1) (*a*), which requires that every director shall have to sign and file with the Registrar a consent in writing to act as such director. The amendment that I propose is, that he might signify his consent in writing to the promoters of the proposed company instead of being required to file it with the Registrar. That, I beg to suggest, will exactly meet the requirements of the case. The object of this sub-clause is evidently to protect people from being misled by high sounding names in a prospectus, such names being sometimes inserted in the prospectus without the knowledge or consent of the gentleman concerned. In such a case the object may be gained by the promoters being required to procure beforehand the consent of the would-be directors in writing to act as directors. People are generally apathetic: they, at least the big men, may not like the idea of filing their consent with the Registrar. They may signify their consent in writing to the promoters of the company. It does not make a world of difference. I would therefore substitute for (1) (*a*) the following:—

'Signified his consent in writing to the promoters of the proposed company to act as such director.'"

The Hon'ble Mr. CLARK:—"I am afraid it does make a very considerable difference. The whole point is, not merely that he should signify his consent, but that it should be perfectly clear that he has done so. That is why we have proposed that the consent should be filed with the Registrar, so that there might be no question about it. I am afraid Government cannot accept the amendment."

The amendment was put and negatived.

The Hon'ble RAI SITA NATH ROY BAHADUR:—"My next amendment is with reference to section 94, Sir. The first portion, that is, the first two lines, seem to me objectionable. The Hon'ble Member for Commerce is perhaps not aware of the great difficulty experienced in raising money in this country. This is no doubt prejudicial. It will be doubly prejudicial. On the one hand, the naming of the minimum subscription on which the directors may proceed to allotment will have a deterrent effect on would-be subscribers, and, on the other hand, it will go to tie up the hands of promoters. I therefore ask that the first two lines of sub-clause (*d*) be omitted, that is, 'the minimum subscription on which the directors may proceed to allotment.'

"And with respect, to my amendment for the omission of the other clauses, what I beg to say is, that the full particulars required to be inserted in the prospectus would be more than enough to discourage any promoter or promoters from floating a joint-stock company. The burden of my song is everywhere the same. In the case of a company with a small capital the expenses that would be incurred in newspaper advertisements alone would be enough to swallow up a large portion of the proposed capital. Joint-stock companies are still in their infancy in this country. Various efforts are now being made to float joint-stock companies for developing small industrial enterprises with small capitals; but if companies with large capitals—say from 10 to 20 lakhs, and companies with capitals ranging from fifty thousand to a lakh of rupees are to be placed on an equal footing and forced to comply with all the elaborate provisions of the law, then all hopes of industrial enterprises would be gone. That is my amendment."

The Hon'ble Mr. CLARK:—"Sir, I find it very difficult to follow what the Hon'ble Member said, but I am quite clear as to what he wants to do. He wants to omit sub-clause (1) (*d*) to sub-clause (1) (*e*) of clause 94."

The Hon'ble RAI SITA NATH ROY BAHADUR:—"Particularly the first portion of sub-clause (*d*)."

The Hon'ble Mr. CLARK:—"That is to say all the provisions of importance in regard to the prospectus. Now, I think the same general remarks apply to this amendment as I made just now. The Hon'ble Member regards it as very embarrassing and difficult for company promoters in this country to afford this full information, and he thinks the requirement will deter people from going

into company promotion. I cannot accept that point of view. This is really one of the most important clauses in the whole Act. It is also one which, I think I am right in saying, has not been modified at all as compared with the English Act. It has therefore been before the country for the last four years and it is one in which most of the authorities we have consulted have agreed most cordially. I am afraid, therefore, that I must again refuse the Hon'ble Member."

The amendment was put and negatived.

The Hon'ble RAI SITA NATH ROY BAHADUR:—"My next amendment, Sir, is with reference to clause 101. I beg to move that at the end of this clause the words 'loss or damage' referred to in sub-clause (1) shall not 'mean non-payment of dividends or payment of dividends at small rates' be added. This relates to what is said in sub-clause (4).

"My reasons for the proposed addition are that in case promoters of a joint-stock company are prevented for the time being by circumstances beyond their control from showing a large profit and consequently from giving any dividend or dividend at a high rate, it may not be in the power of the shareholders to turn round and say that 'we were led to take up the shares by reason of the tempting prospects that you held out in the prospectus, and as such you are bound to pay the loss which we have sustained by taking shares in your Company.' Promoters might have honestly believed that the enterprise would give a good return, but their expectations by reason of adverse circumstances may not be realised, but that would be no ground for rendering them liable for any fancied loss.

'It will be impossible to float a company, and in fact people would be discouraged from floating a joint-stock concern if by reason of any statement in the prospectus, though not deliberately false or misleading, promoters are called upon to make good any loss or damage which the subscribers may fancy they have sustained."

The Hon'ble Maharaja MANINDRA CHANDRA NANDI OF KASIM BAZAR:—"Sir, in supporting this amendment, I desire to point out that a distinction should be made between small and large dividends mentioned in the prospectus of a company. We have to bear in mind that all new companies are floated in the hope of making profits, large or small, and the provision in this clause may have a deterrent effect upon the promotion and floatation of new companies of every description. The bona fides of a company which announces in its prospectus dividends at small rates should be presumed and an exemption made in the terms of the amendment proposed by my Hon'ble friend Rai Sita Nath Roy Bahadur."

The Hon'ble Mr. CLARK:—"Of course nobody wants in this clause to hit an honest company which has not been able to pay as big a dividend as it hoped it would; also, and equally of course, this clause as it now stands would not do it. The amendment is superfluous. It simply is not wanted. The position is as follows. I will give the Hon'ble Member the words of Lord Halsbury, a very eminent authority on the law, as to what the position really is. Lord Halsbury gave this ruling—

'The plaintiff must prove damage occasioned by the untrue statement. At the trial he need only show that he has suffered damage, the amount of which can afterwards be ascertained by inquiry; and the measure of damage is the difference between the price paid for the shares or debentures and their fair value at the date of allotment'

"The question really is whether the applicant, by reason of an untrue or misleading statement in the prospectus, paid more for his shares or debentures than they were worth at the time of the allotment. The question whether dividends can subsequently be paid may or may not be germane to the inquiry as to the fair value of the shares at the time of the allotment, but the main point is whether the subscriber was misled into paying for the shares an amount which was not their fair value at the time. The amendment proposed is quite superfluous and I cannot accept it."

The amendment was put and negatived.

The Hon'ble RAI SITA NATH ROY BAHADUR:—"Sir, we have been accustomed to these things in Bengal and Eastern Bengal for several years. We have been accustomed to such defeats. We well know that we are in a minority. We come here to lose our amendments. So I am not going to lose heart. I feel bound in duty to myself and my countrymen to put the remaining amendment.

"The next amendment is with reference to clause 102. The provisions here are entirely new, and seem in my opinion to be unsuited to our country. It provides that unless the minimum amount of the subscription named in the prospectus be raised or if no amount is so fixed or named, then the whole of the amount of the share capital be raised, and the promoters would not be entitled to proceed to the allotment that in my opinion is very hard indeed. If the whole of the amount of the money cannot be realised in the course of 120 days, that is in four months, then the promoters will have after the expiration of 30 days to return the whole amount. Considering how difficult it is to induce people to subscribe for shares in a joint-stock company, and how reluctant as a rule the people of this country are to invest money in a new enterprise, I have no hesitation in saying that in several cases it would be well-nigh impossible to raise the requisite amount of money in such a short time as four months. The period may appear too long to an enormously wealthy people as the English are, but it is not so in India where the people are conservative and capital has to be coaxed. A definite time is fixed in sub-clause 4, it is four months. This will go to discourage promoters. It is a very difficult matter. In this country money does not flow in so easily as it does in England, and therefore it will be particularly hard upon promoters to be bound to the requisite four months. The difficulty is that they will have to return the whole of the money, and not only the money but the interest. This will go to discourage many people who take the responsibility of floating a company. Under these circumstances I beg to move that at least we might accept the whole amendment, or that a period of eight months should be substituted for four months."

The Hon'ble Mr. CLARK:—"Will the Hon'ble Member move the clause and then the amendment?"

The PRESIDENT:—"I was trying to ascertain exactly what the Hon'ble Member was moving. Will the Hon'ble Member adhere strictly to the amendment now before him and not go beyond it?"

The Hon'ble RAI SITA NATH ROY BAHADUR:—"I beg to confine myself to this amendment. My next amendment is—"

The PRESIDENT:—"Order, order! Does the Hon'ble Member propose to move the amendment which stands in his name, namely that clause 102 of the said Bill be omitted or does he not?"

The Hon'ble RAI SITA NATH ROY BAHADUR:—"No, Sir. I beg to drop it."

The PRESIDENT:—"Then sit down."

The amendment was by leave withdrawn.

The Hon'ble RAI SITA NATH ROY BAHADUR:—"My next amendment is that in sub-clause (4) of clause 102 of the Bill,—

for the words 'one hundred and twenty days' the words 'eight months' be substituted;
for the words 'one hundred and thirty days' the words 'nine months' be substituted; and
for the words 'seven per cent.' the words 'five per cent.' be substituted."

The Hon'ble Mr. CLARK: "I am exceedingly sorry Sir, that we have not been able to accept any of the Hon'ble Member's amendments, but I have not the least desire to prevent his moving them. As I explained just now, it is not so much a question of detailed amendments, as a question of a fundamental difference of principle between us. I repeat it once more. He thinks that capital can best be got to invest in this country by making everything as easy as possible; we think that the best way is to make everything as safe as possible. That is really the whole difference between us. I come now to the present amendment. He proposes that the period of one hundred and twenty days after the issue of the prospectus before the money has to be paid back in case a company is not formed, should be increased to eight months.

"The period was forty days in the English Act, and it has been already trebled to meet the different conditions in India where we have larger distances and so on, and everything takes longer. The Hon'ble Member now proposes to raise the period to eight months. He thinks that this will facilitate promotion. But surely people will not be very keen about giving you money if you are going to keep it from them for eight months without paying interest. It is expecting people to part with their money for a far longer time than they could possibly think of doing. I cannot therefore agree to increase the hundred and twenty days.

"The other point is that the rate of interest which becomes payable after the period of one hundred and twenty days has elapsed, should be reduced from seven per cent. to five per cent. It is, I admit, five per cent. in the English Act, but the Committee unanimously agreed to put it up to seven per cent. as recommended by several Chambers of Commerce, as the rates of interest, of course, are higher out here than England. If you do not keep it up to seven per cent., people who promote companies would never give you back your money, but would continue to pay you five per cent. and earn eight or nine per cent. on it, until you get it back by a civil suit. That is a very grave objection to the Hon'ble mover's amendment, and I am afraid I cannot recommend Council to go back on the decision of the Select Committee."

The amendment was put and negatived.

The Hon'ble RAI SITA NATH ROY BAHADUR:—"Sir, I need not press my next amendment regarding the omission of clause 105."

The PRESIDENT:—"Does the Hon'ble Member withdraw the amendment?"

The Hon'ble RAI SITA NATH ROY BAHADUR:—"Yes, Sir."

The amendment was, by leave, withdrawn.

The Hon'ble RAI SITA NATH ROY BAHADUR:—"Sir, I beg to move that in sub-clause (1) (c) of clause 134 of the Bill, for the words 'by all the directors' the words 'by at least two of those directors' be substituted. The first part of the sub-clause prescribes that in the case of a banking company, whatever be the number of directors, whether five or six or ten, it would be enough if the balance sheet be signed by three directors; but immediately after it goes on to prescribe that where there are three directors the balance sheet should be signed by all the directors. Suppose there is disagreement between the directors, and one of the three, simply with a view to spite the other two, whimsically refuses to sign the balance sheet. What is the remedy of the bank? To such a contingency, should the bank shut its doors, or pay hush money to the recusant director in order to induce him to sign the balance sheet?

"I raised this point also in the Select Committee, but I am sorry to say that, though it was supported by my Hon'ble friend, Sir I. Rahimtoola, the amendment was not accepted. I do not see any reason why it should be insisted that in the case of companies having three directors the balance sheet should be signed by all of them, and there is no provision that it may be signed by the majority of them. But in the case of any other company, if there be 25 directors, it is provided that it will be sufficient if three directors signed the balance sheet. I therefore beg to move the amendment which stands in my name."

The Hon'ble Mr. PANDIT:—"Sir, I rise to support this amendment proposed by the Hon'ble Member. The scope of the amendment has been explained by him, and it seems quite reasonable, as he has pointed out, that if in the case of Banking Companies on whose Board there are more directors than three, the signatures of only three of them suffice, the signatures of two out of three should on the same principle suffice in other cases, and there is no reason why, when there are only three directors, there must be a minimum number of three to sign the balance sheet. I certainly think that the difficulties to which the Hon'ble Member has referred are probably more often experienced, than what the Hon'ble Member in charge thinks is the case, and therefore, by accepting the amendment, the difficulty will be coped with, while a more practical clause will be inserted in the Bill. The Hon'ble Mr. Clark suggests that the fear of a fine up to Rs. 500 will be a sufficient check upon the spirit of recalcitrancy, if displayed, by a director, but it will be a poor consolation to the majority of the directors that along with themselves the recalcitrant director will also be liable for non compliance with the law. I therefore support the amendment."

The Hon'ble Mr. CLARK:—"Sir, I think the Hon'ble Member has overlooked the last sub-section of the clause. I gather his difficulty is that one of the three directors may refuse to sign the balance sheet. The last sub-section provides that 'if any copy of a balance sheet which has not been signed as required by this section is issued, circulated, or published, the company and every officer of the company who knowingly is a party to the default shall be punishable by fine which may extend to Rs. 500.' Well, if a director refused to sign, he would have to pay the fine of Rs. 500; but at any rate he would have also have the satisfaction of sticking his two colleagues for Rs. 500; but at any rate he would have to pay the fine himself, and it does not seem very likely that anybody would go out of his way to put himself in such a position; and I do not think that the case is likely to arise.

"The point raised by the Hon'ble Mr. Pandit was that there is no reason why you should require this particular provision in the case of banking companies when it is not required in the case of other companies."

The Hon'ble Mr. PANDIT :—"I did not say that the distinction was as regards banking and other companies, but where there were more than three directors, and three directors sufficed. If that was the principle that was accepted, what harm was there in accepting the principle that two of them should sign when there were only three directors. I may also say with regard to the fine of Rs. 500 that the director who did not sign could say, 'I refuse to sign,' and he would thus escape liability, whereas the other two would be punished."

THE Hon'ble Mr. CLARK :—"The other two would be able to settle with the dissenting director somehow. The whole point is that this provision rests on the distinction between banking companies and other companies in the English law. The English law regards regulation of a banking company as more important than the regulation of other companies as the interests of depositors as well as of investors are involved, and it consequently provides that where there are three directors they should all sign. It is not a very important provision, but still there is something in it, and I do not think we ought to alter it. Sub-section 2 meets the case of absent directors, and there is no danger of any hardship arising under that head.

"I am afraid I cannot accept the Hon'ble Member's amendment."

The question being put the Council divided, and the result was as follows :—

Ayes—16.

The Hon'ble Mr. Ghuznavi; the Hon'ble Maharaja Manindra Chandra Nundi; the Hon'ble Raja of Mahmudabad; the Hon'ble Raja Kushalpal Singh; the Hon'ble Rai Sri Ram Bahadur; the Hon'ble Mr. C. Vijayaraghavachariar; The Hon'ble Sri Rama Raya of Panagallu; the Hon'ble Sir Ibrahim Rahimtoola; the Hon'ble Khan Bahadur Rustomji Jehangirji Vakil; the Hon'ble Babu Surendra Nath Banerjee; the Hon'ble Maharaja Ranajit Sinha; the Hon'ble Mr. Madhu Sudan Das; the Hon'ble Rai Sita Nath Roy Bahadur; the Hon'ble Malik Umar Hayat Khan; the Hon'ble Rao Bahadur V. R. Pandit; the Hon'ble Sir G. M. Chitnavis.

Noes—48.

The Hon'ble Sir Guy Fleetwood Wilson; the Hon'ble Sir Robert Carlyle; the Hon'ble Sir Harcourt Butler; the Hon'ble Mr Syed Ali Imam; the Hon'ble Mr. Clark; the Hon'ble Sir Reginald Craddock; the Hon'ble Mr. Hailey; the Hon'ble Sir T. R. Wynne; the Hon'ble Mr. Meugens; the Hon'ble Mr. Monteath; the Hon'ble Mr. Saunders; the Hon'ble Sir A. H. McMahon; the Hon'ble Mr. Wheeler; the Hon'ble Mr Enthoven; the Hon'ble Mr. Sharp; the Hon'ble Mr Porter; the Hon'ble Sir E. D. Maclagan; the Hon'ble Mr Gillon; the Hon'ble Major-General Birdwood; the Hon'ble Mr Michael, the Hon'ble Surgeon General Sir C. P. Lukis; the Hon'ble Mr. Gordon; the Hon'ble Mr. Maxwell; the Hon'ble Major Robertson; the Hon'ble Mr Kesrick; the Hon'ble Mr. Kesteven; the Hon'ble Mr. Kinsey; the Hon'ble Sir W. H. Vincent; the Hon'ble Mr. Carr; the Hon'ble Nawab Sayid Muhammad; the Hon'ble Khan Bahadur Mir Asad Ali Khan; the Hon'ble Sir Charles Armstrong; the Hon'ble Mr Fazulbhoy Cerimbhoy Ebrahim, the Hon'ble Mr. Macpherson; the Hon'ble Rajah Sayid Abu Jafar; the Hon'ble Mr. Meade; the Hon'ble Maharaj-Kumar of Tikari; the Hon'ble Mr. Qumrul Huda; the Hon'ble Mr. Arthur; the Hon'ble Major Brooke Blakeway; the Hon'ble Raja Jai Chand; the Hon'ble Sardar Daljit Singh; the Hon'ble Mr. Feeton; the Hon'ble Mr Walker; the Hon'ble Mr. Arbuthnott; the Hon'ble Srijut Ghanesyam Baroa; the Hon'ble Mr. Eales; the Hon'ble Maung Mya.

So the amendment was negatived.

The Hon'ble RAI SITA NATH ROY BAHADUR :—"My next amendment is, Sir, that in sub-clause (2) of clause 139 of the said Bill for the word 'one-tenth' the word 'one-fifth' be substituted. My reasons are, Sir, that in every joint stock concern, there is always a discontented few in opposition to the directors and the managing staff of a company; it is not going too far to say that the discontented minority in several cases takes a perverse delight in opposing or thwarting the directors and the managing staff, and it is always the case that when a company passes through a period or cycle of bad or lean years, and consequently becomes incapacitated by reason of adverse circumstances to pay good dividend, then it is that the latent spirit of opposition breaks out into open mutiny. It is always easy and does not require extraordinary efforts for a discontended few to gather into its fold a few members holding one tenth of the share capital. What I mean to say is, that powers should not be placed into the hands of such a small number to introduce an element of discord into the management of the company, and to move the Local Government for taking action as provided here, which may go not only to upset but to wreck a joint stock company. In the case of a banking company, it has been provided that the number should be fixed at one-fifth, but, in the case of other companies, the Bill provides that it should be in the power of one-tenth of the holders of the share capital to move the Local Government to take action as provided in the Bill. I beg to say that there should be no distinction between a bank and other companies, and to move that the word 'one-fifth' be substituted for the word 'one-tenth.'"

The Hon'ble Mr. CLARK :—"The whole question is what proportion is reasonable. I think we are on perfectly safe ground if we follow the proportion laid down in the English Act—the proportion of one-tenth. That proportion was carefully considered in the Select Committee and was unanimously accepted by them. I think we can very safely keep it."

The amendment was put and negatived.

The Hon'ble RAI SITA NATH ROY BAHADUR :—"My amendment is, Sir, that sub-clause (*f*) of clause 163 be omitted. In my opinion the penalty prescribed here is too severe. Default in filing the statutory report or in holding the statutory meeting should not be visited by the penalty of winding up the company. The penalty seems to be out of all proportion to the offence, and I therefore beg to press that the sub-clause (*f*) might be omitted."

The Hon'ble Mr. CLARK :—"I think, Sir, the Hon'ble Member has overlooked two points. The first is that it is a very serious fault not to hold a statutory meeting; and secondly, that the provision

is permissive. The Court need not take action unless they think it is necessary to do so. I think we are perfectly safe in leaving the Bill as it is."

The amendment was put and negatived.

The Hon'ble RAI SITA NATH ROY BAHADUR:—"My next amendment, Sir, is that in sub-clause (1) (*a*) of clause 231 of the said Bill after the word 'revenue' the words 'rents payable to landlords' be inserted. The Tenancy Act of every province provides that the rents payable to the superior landlord should be a first charge upon the holding of the tenant. This elementary proposition of law is so well known everywhere, that it is hardly necessary to dilate upon it. I am really sorry that there should be any opposition to it. To take a concrete case, suppose a company takes a permanent lease or lease for 99 years of a piece of land measuring say, 100 bighas, for setting up jute or cotton mills thereupon, and stipulates to pay to the landlord Rs 100 a month as fixed rent for the entire piece of land. In such a case if default be made in paying the stipulated rent to the landlord, the landlord would be legally entitled to get a decree for the arrear rent and costs, and to get the land with its buildings, godowns, and offices built thereupon sold in execution of his rent decree. I beg particularly to draw the attention of the Council to Chapter XIV of the Bengal Tenancy Act dealing with sale for arrears of rent under decree, and also to section 159 of the above Act, which authorises a purchaser under a rent decree, even to annul all encumbrances.

"Under these circumstances, the amendment that I move is so reasonable that it has only to be stated to be accepted, and I do not see any reason why it should not be accepted.

"My proposal is a very reasonable one. I wish that the words 'rents payable to landlords' should be added after the word 'revenue.' In fact there is no justification for inserting taxes, cesses and rates payable to the Crown or to the local authority, as they do not form a charge upon the property. They are recoverable like ordinary money decrees, and they cannot have priority over rent payable to superior landlords.

I therefore beg to move the amendment."

The Hon'ble Maharaja MANINDRA CHANDRA NANDI OF KASIM BAZAR:—"Sir, the amendment before the Council is that in sub-clause (1) (*a*) of clause 231 of the said Bill after the word 'revenue' the words 'rents payable to landlords' be inserted. Among the preferential payments in the winding up of a company are included taxes, cesses and rates whether payable to the Crown or to a local authority due from the company. I think rents payable to landlords should be placed on the same footing as revenue, and given precedence over all other liabilities of the company. Most companies have to take land on rent, and unless landlords have an assurance that their claims will have preferential consideration along with revenue, they will be naturally reluctant to give land on rent to companies. There should be a statutory guarantee that rents payable to landlords should have preferential consideration when the affairs of a company are being wound up. I beg to support this amendment."

The Hon'ble Raja KUSHALPAL SINGH:—"I have great pleasure in supporting the amendment proposed by my colleague the Hon'ble Rai Sita Nath Roy Bahadur. With the exception of revenue, rent due to a landholder should have priority over all other dues. It is a recognised principle of law that, so far as a tenant is concerned, his primary liability is to pay his rent. The Co-operative Credit Societies Act gives priority to the claims of Government and landlords in respect of revenue and rent respectively. The Madras Government is also in favour of this amendment. The position of a landholder as preferential creditor is accepted by the people and the Government, and I think that no departure from this well-established and recognised policy should be permitted."

The Hon'ble Maharaja HARAJIT SINHA OF NASHIPUR:—"I beg to support the amendment just now moved. Under the Bengal Tenancy Act, as my friend the Hon'ble Mr. Sita Nath Roy has observed, rents are the first charge upon the property, and I do not find that there is any justification in omitting from this section rents payable to landlords, when the dues payable to a local authority have been inserted in this clause. It will be a great hardship upon landlords if they have no priority of claims upon the company when it winds up its business. I therefore support the amendment just now moved by my Hon'ble friend."

The Hon'ble Mr. SYED ALI IMAM:—Sir, Hon'ble Members who have supported this amendment are themselves landed magnates, and there is no question that they fully understand the point that the law gives recognition to rent as a first charge. No one disputes this legal proposition that has been put forward by the Hon'ble Mr. Sita Nath Roy. He has quoted the provisions of the Bengal Tenancy Act. I do not for a moment question them, but what I should very much like to draw attention to, is the fact that a certain point in the debate has been completely lost sight of. What we have before us, is the position of rent, a landlord's rent, in a proceeding which is known in this Bill as winding up proceeding. And it is in relation to that proceeding that we have to consider whether any undue priority has been given to the Crown or to some of the persons mentioned in clause 231A. I submit that no undue preference has been given, and that no new law has been embodied in this section 231A. Hon'ble Members will remember that this clause which is now 231A is really an old friend. This is the law contained in the Indian Companies Act of 1882 as amended in 1887. It will be observed that at least for the last 26 years this has been the law, and landlords have not suffered from any deprivation of rent. But apart from that what we have to consider is whether any injustice has been done to landlords. If Hon'ble Members will turn to the earlier section—section 230 of the Bill—they will observe that the provisions of the Insolvency Act are applied effectively to the proceedings that are known in the Bill as winding up proceedings, and that, therefore, we have really to look at the question from the point of view as to what is the position regarding the rent that the landlord may claim in insolvency proceedings. We all know that under the Insolvency Law a landlord's claim to rent is a recognised claim. In fact the landlord is a secured creditor, and as such in a winding up proceeding, which is really an insolvency proceeding, he will have exactly the same place as he had before, namely, under the Insolvency Act. Therefore no new provision is needed; his position is secured under the Insolvency Act. That Act is applied to winding up proceedings under section 230 of the Bill, and therefore, he stands absolutely safe. The preference given to the Crown by the clause under notice in no way affects the position of the landlord as a secured creditor; so an injustice has been done to him. It appears to me that Hon'ble Members who have supported this amendment and the Hon'ble Mr. Sita Nath Roy who has moved it have done so purely under a misapprehension. It is not the intention of Government

for a moment to deprive landlords of their legitimate claims. We look upon landlords as a class that is the backbone of the administration. We should be the last to deprive them of any rights that they enjoy. I trust that the explanation that I have offered to the Council will be accepted, and that the amendment will be withdrawn."

The Hon'ble RAI SRI RAM BAHADUR:—"Sir, I support the amendment moved by the Hon'ble Rai Sita Nath Roy. The explanation which the Hon'ble the Law Member has given does not appear to me to be satisfactory. There is a difference in the wording of clauses 230 and 231 of the Bill. Clause 230 refers to the case of winding up of insolvent companies. This class of companies will be governed by the rules of insolvency. But it appears that clause 231 is meant for voluntary winding up of a company, for any other cause than insolvency. That clause says that 'in a winding up there shall be paid in priority to all other debts' the liabilities detailed in sub-clauses (a) to (e). If in winding up of a company it was to be assumed that priority is given to the Government for revenue or to landlords for rent, then there was no need to insert the above provision in clause 231. If necessity has been found for inserting provision in clause 231, I submit that on the same ground the charge which a landlord has for rent should also be inserted."

The Hon'ble RAI SITA NATH ROY BAHADUR:—"Sir, I am extremely thankful for the clear way in which the Hon'ble the LAW MEMBER has been good enough to clear up the law and to show that the interests of landlords are quite safe. Nobody doubts it; at the same time I beg to point out this clear proposition of law which is well known that Government revenue, whether provision is made here or elsewhere, is as safe as it possibly can be. It is the first charge upon property. In the circumstances, while you have been good enough to insert the word 'revenue,' where is the harm in allowing the words 'rents payable to landlords' being added after the word 'revenue'? It is well known that revenue is a first charge upon property. Why not put in the words 'rent payable to landlords' after the word 'revenue'? That is my contention."

The Hon'ble Mr. SYED ALI IMAM:—"Sir, I am afraid that the Hon'ble Mr. Sita Nath Roy has not quite appreciated my point. What I say is this, that in the winding up proceedings, which really amount to insolvency proceedings, the landlord will have no less a position than he has as a secured creditor, and if we were to change this, we would be interfering with the Insolvency Law, which is not before us. It is a technical point.

"If I have failed in carrying it quite to the comprehension of my Hon'ble Colleague, then all I can say to him is that it is my misfortune."

The question having been put the Council divided, and the result was as follows:—

Ayes—20.

"The Hon'ble Mr. Ghuznavi; the Hon'ble Maharaja Manindra Chandra Nundi; the Hon'ble Raja of Mahmudabad; the Hon'ble Raja Kushalpal Singh, the Hon'ble Rai Sri Ram Bahadur; the Hon'ble Nawab Saiyid Muhammad; the Hon'ble Mr. C. Vijiaraghavachariar; the Hon'ble Sri Rama Raya of Panagallu; the Hon'ble Khan Bahadur Mir Asad Ali Khan; the Hon'ble Babu Surendra Nath Banerjea, the Hon'ble Maharaja Ranajit Sinha; the Hon'ble Raja Saiyid Abu Jafar; the Hon'ble Mr. Medha Sudan Das, the Hon'ble Maharaj-Kumar of Tikari; the Hon'ble Rai Sita Nath Roy Bahadur; the Hon'ble Malik Umar Hayat Khan; the Hon'ble Raja Jai Chand; the Hon'ble Sardar Daljit Singh; the Hon'ble Rao Bahadur V. R. Pandit; the Hon'ble Sir G. M. Chitnavis.

Noes—44.

The Hon'ble Sir Guy Fleetwood Wilson; the Hon'ble Sir Robert Carlyle; the Hon'ble Sir Harcourt Butler; the Hon'ble Mr. Syed Ali Imam; the Hon'ble Mr Clark; the Hon'ble Sir Reginald Craddock; the Hon'ble Mr. Hadley; the Hon'ble Sir T. R. Wynne; the Hon'ble Mr. Maugeas; the Hon'ble Mr. Monteath; the Hon'ble Mr Saunders; the Hon'ble Sir A. H. McMahon; the Hon'ble Mr Wheeler; the Hon'ble Mr. Enthoven; the Hon'ble Mr. Sharp; the Hon'ble Mr. Porter; the Hon'ble Sir E. D. Maclagan, the Hon'ble Mr. Gillan; the Hon'ble Major-General Birdwood; the Hon'ble Mr. Michael; the Hon'ble Surgeon-General Sir C. P. Lukis; the Hon'ble Mr Gordon; the Hon'ble Mr. Maxwell; the Hon'ble Major Robertson; the Hon'ble Mr Kenrick; the Hon'ble Mr. Kesteven; the Hon'ble Mr. Kinney; the Hon'ble Sir W. H. Vincent; the Hon'ble Mr. Carr; the Hon'ble Sir Charles Armstrong, the Hon'ble Sir Ibrahim Rahimtoola; the Hon'ble Khan Bahadur Rustomji Jehangirji Vakil; the Hon'ble Mr Fuzulbhoy Currimbhoy Ebrahim; the Hon'ble Mr. Macpherson; the Hon'ble Mr. Menda; the Hon'ble Mr Gumral Hada; the Hon'ble Mr. Arthur; the Hon'ble Major Brooke Blakeway; the Hon'ble Mr. Fenton, the Hon'ble Mr. Walker; the Hon'ble Mr. Arbuthnott; the Hon'ble Srijut Ghanasyam Barua; the Hon'ble Mr. Eales; the Hon'ble Maung Mya.

So the amendment was negatived.

The Hon'ble Sri RAMA RAYA OF PANAGALLU:—"Sir, I beg to move the amendment which stands in my name. It runs:

'That in sub-clause 1 (e) of clause 231 of the Bill as amended by the Select Committee, the words "or rents due to a Zamindar or landholder" be inserted between the words "authority" and "due."'

"This amendment does not require a lengthy speech from me. I will however try to point out to the Council in as few words as possible the reasonableness of the amendment. The rents due to the zamindars and landholders form a first charge upon lands. This has been so in different provinces under existing statutory laws. In my Presidency when the Estates Land Act was being legislated, the landholders raised their voice against the deprivation of their occupancy right. They were told that in return they would have the advantage of their rents forming a first charge on the lands allowed to be in occupancy of the ryots. Now the proposed legislative measure to consolidate and amend the law relating to the trading companies and other associations is very nearly depriving landholders of their first charge on lands in respect of rents due to them.

"Clause 231, sub-clause (e) of the Bill, lays down that in winding up of an insolvent company certain claims shall have priority, and the rent due to landholders is not classed as a claim having priority. Sir, it is quite possible that a company may be floated to undertake agricultural operation in a zamindari estate. The company may fall in arrear of rent due to the zamindar for one or more

years. And that by an order of the Court this defaulting company is to be wound up. Is not the zamindar entitled to claim the rent due to him as a first charge on the lands let out to the company and the produce therefrom? A responsible body like the Government of Madras is of opinion that clause 231 (clause 261 of the original Bill) seems to ignore the statutory right of the landlords to priority of payment of the land held by the company.' On the other hand, it may be argued that clause 230 of the Bill leaves the claims of secured creditors *status quo* and the interests of the zamindars or landholders being secured would be protected by that clause. I am not sure whether an astute lawyer cannot distinguish the interests of zamindars or landholders from the secured debts. However, I am prepared to take the risk and agree that the interests of zamindars are so far protected. In fact until I was able to realise the full significance of clause 4 of section 231, I had been thinking of even withdrawing my amendment, on the Law Member or the member in charge of the Bill assuring me in the Council, that the interests of the landholders are protected under clause 230. But I am sorry a study of sub-clause 4 of clause 231 of the Bill makes that position impossible. Sub-clause 4 provides that in event of a landlord distraining or having distrained on any goods or effects of the company (of course, including the produce from the zamindari lands) within three months next before winding up order, the claims of Government revenue and wages due to servants and workmen of the company shall be a first charge on the distrained goods or effects. We do not grudge the priority of Government claims. Our first charge even under statutory law is not as against the claim of Government for State revenue. But we do grudge the priority of claim given to the servants and workmen of the company. Sir, I understand that this has not been the law hitherto. My amendment is a safeguard against sub-clause (4) of clause 231. If the claims of landholders have the priority as provided in sub clause (*1*) (*a*), they need not object to sub-clause 4. They would have their share in the sale-proceeds of the distrained goods or effects. If for any reasons it is found inexpedient to allow the amendment as it is, I submit as an alternative that clause 4 of clause 231 may be deleted, in which case I would have no objection to withdraw my amendment.

"Sir, in India the status of the landed proprietors is peculiar. They are in a way agents of Government. At any rate in many instances State lands were leased out to them on their agreeing to pay fixed revenue. These proprietors have to pay to Government the fixed revenue whether they collect or not the rents due from their tenants. Under these circumstances clause 4 will certainly be a great hardship on these landed proprietors.

"There is yet another aspect of the question. If the amendment be not allowed or sub-clause 4 be not deleted, landholders will be suspicious of companies and would be very reluctant to lease out their lands to companies. This cannot but be a clear disadvantage to commercial enterprise no less than to agricultural development in the country. Sir, I urge these points to the serious consideration of the Council."

The Hon'ble Mr. SYED ALI IMAM.—Sir, the Hon'ble Member, Sri Rama Raya, covered almost the same ground in his amendment as was covered in the discussion that arose on the last amendment put forward by the Hon'ble Mr. Sita Nath Roy. Under these circumstances, it would perhaps be a waste of time on my part to repeat the same arguments, but I might supplement the reasons I put forward on that occasion by inviting the consideration of my Hon'ble Colleague Sri Rama Raya to a leading English case on this very question. The case quoted is the one known amongst us as Richards *v.* the Overseer of Kidderminster, 1892. The point of law there has been very clearly brought out, and the decision really in that case comes to this, that the sub-clause which is now under discussion (of course it has not been referred to in the rule but that is the principle of it) does not affect persons not claiming as creditors in the winding up, but preferring to stand on their own security. It is a higher position that the landlord has as a secured creditor, and it is that position that we make our best efforts to maintain. Hon'ble Members are very doubtful about this proposition of law; at least one Hon'ble Member, who is himself a lawyer of considerable repute, has thrown grave doubts upon the legal position that I took in my address, but I think on reflection my Hon'ble colleague will find that I was not quite in error when I took that view, inasmuch as I am largely supported by no less an authority than a decision of considerable importance of an English Court.

"The next point that has been taken up by the Hon'ble Sri Rama Raya is really one that does not at all arise as an amendment within the terms of the motion that stands in his name on the paper today. He has very tactfully invited the Council to leave section 231 (a) alone inasmuch as he knows that the division list has gone against him, but he very quietly and gently invites us to the consideration of the question as to whether or not sub-clause 4 of that clause may be conveniently deleted. Now that is not before the Council, and it is not an amendment in regard to which we have received any notice. But apart from that I am fully prepared to make a good defence in favour of the view that the clause should be maintained; but inasmuch as no amendment of that clause has been moved before the Council, I consider I should be exercising a wise discretion if I were not to invite the Council, to a consideration of that clause or its deletion. Under the circumstances, Sir, on behalf of the Government, I say that I am unable to accept the amendment which has been moved."

The Hon'ble Mr. PANDIT:—"Sir, may I say a few words on this amendment. The sole question which has been raised in this amendment and it was also raised in the former amendment which was lost is one as to the position of the landlord under clause 231 with regard to his rents when a company is being wound up. Now clause 230 of this Bill has just been referred to as safeguarding the landlord's interests and treating him on the footing of a secured creditor. And then the ruling in the English case just cited by the Hon'ble Law Member has been relied upon to show that if the landlord did not choose to come in under the provisions of the winding up clauses, he could stand on his own rights independently, and that therefore these clauses would not affect him. I do not know whether clause 172 of the Bill has also been taken into consideration in this connection. By that clause it has been provided that when a winding-up order has been made no suit or other legal proceeding shall be proceeded with or commenced against the company except by leave of the Court and subject to such terms as the Court may impose. Sir, there can only be one object in inserting the provisions of clause 172 and that cannot be to encourage the Court which is seized of jurisdiction over the winding-up proceedings to allow suits to be filed or proceeded with in other Courts and the winding-up proceedings to be protracted *ad infinitum*. The whole object of that clause seems to be for the Court which orders the winding-up of a company to keep the control over those proceedings

in its own hand as far as possible and to settle the claims and distribute the assets as soon as practicable."

"Now, if that is the object of clause 172 then no reliance can be placed upon the provision of that clause that the Court may grant permission for a suit to be carried on or to be instituted in other Courts, and the provisions of section 231 will therefore be the ones to which these landlords or other persons in a similar situation will be bound to have recourse; and it is therefore necessary to consider whether clauses 230 and 231 really safeguard their interests.

"Now with regard to clause 230, with due deference to the Hon'ble the Law Member, I beg to submit that there are classes of cases with regard to these rents due to landlords which would not fall within the category of secured debts. I do not feel myself on safe ground in dealing with the land laws of the provinces of Bengal and Madras, but I may cite an instance from the land laws of the Central Provinces where the rent of an absolute occupancy holding is by law declared the first charge upon that holding. With regard to that rent if a suit is brought without claiming specifically a decree charging the holding with the amount of the decree, then it becomes purely a money decree, and it would not be a charge on the property. A suit therefore has to be framed asking for a specific charge on the property with regard to the amount. Now, if no suit can be brought by reason of clause 172 and recourse to the provisions of section 231 is necessary, I submit that the Court in dealing with the winding up will certainly say that, so far as the law stands, there is no provision for letting this inchoate claim to a charge on the property have preference or precedence over all the other items mentioned in clause 231, and therefore there would certainly not be that protection of their interests of which the Hon'ble the Law Member assured the landlords who have been most vigilant in safeguarding their own interests in this Council and I cannot say that their interests are adequately safeguarded. The amendment which Sri Rama Raya has proposed treats these charges or these rents due to a zamindar or landholder on the same footing as taxes, cesses or rates whether payable to the Crown or to a local authority; and therefore the Hon'ble Member has really modified his position and has consented so it were, to take a second place. The amendment I think ought to be accepted in view of these circumstances."

The Hon'ble Sir IBRAHIM RAHIMTOOLA:—"Mr. President, I think there is considerable misapprehension in regard to the proper appreciation of the question at issue. We are dealing not with ordinary assets who may have taken land from zamindars under certain terms, but we are dealing with joint stock companies who have obtained leases of land for the erection of factories and other joint stock purposes. Now, Sir, in regard to all these cases, as far as my experience goes, there is an actual lease in writing under which the interests of the lessor and the lessee are clearly defined. There are a large number of cotton mill companies in Bombay who have taken leases of land on payment of certain ground rent per month, and there are written leases between the landlord and the company under which the interests of the landlord are amply safeguarded. The owner of the land when he leases his holding for purposes of joint stock enterprise obtains a lease—a deed in writing—stipulating all the terms and conditions upon which the land is leased and the safeguards for the payment of his rents. It is invariably the practice to provide that such rents are a first charge on the land and on the buildings that are put up for the purpose of carrying out the enterprise for which land is leased, so that the charge for ground rent always takes precedence over every other claim. What does the liquidator do when the company is wound up? He realises the property of the company. Now the property of the company in this case would be the land and the buildings standing thereon so far as immoveable property is concerned. That property is sold and can only be sold subject to the payment of the ground rent, which may be already due and which may become due thereafter.

"It is therefore clear that a buyer who he offers to purchase that property realises that he has got to pay the amount of ground rent which may be due and which is a charge attached to the property, and be liable for subsequent payments thereafter. The question of ground rent payable to the landlord, under these conditions, does not arise at all. On the contrary, as I understand it, the position of landlords under the present law is considerably stronger and higher—even higher and stronger than land revenue and liabilities payable to the local authorities: because this section provides that in the event of the property of the company not being sufficient to meet all the liabilities under sub-clauses (c), (b) and (e) of sub-clause (1) of section 231 they have got to divide the amount available amongst themselves *pro rata*, thus involving a smaller payment in discharge of their claim. But a landlord has got to get his whole amount: he is not affected. I am surprised to find that the mover of the amendment and his supporters want to introduce the name of the landlord into this clause,—which will have the effect of reducing him to an inferior position, *i.e.*, it will make him accept a smaller percentage of his claim under this clause if the assets of the company in liquidation are not sufficient; while not inserting his name here he has a distinctly prior claim over all others on the assets of the company in liquidation. I cannot understand why so much stress is laid by the landowning interest in this Council in demanding that the landlord who occupies in this respect a higher standard of security for the payment of his ground rent should be put in an inferior position. It is clearly a case of misapprehension.

"I will for these reasons vote against the amendment."

The Hon'ble RAI SRI RAM BAHADUR:—"Sir, I support the amendment moved by my Hon'ble friend Sri Rama Raya. The reasons given by the Honourable Member who spoke last will be found to be not cogent. In clause 231 of the Bill there is a distinct provision for safeguarding the interests of the Government. The words in clause (1), sub-clause (*a*), are—'all revenues, taxes, cesses and rates, whether payable to the Crown or to a local authority, due from the Company at the date hereinafter mentioned and having become due within the twelve months next before that date,' shall be paid in priority to all other debts. I do not think that there can be any one higher in dignity than the Crown or the Government. If it has been found necessary to safeguard the interests of the Crown or of the Government, I do not see why a similar provision should not be made for safeguarding the interests of landlords and zamindars. If the dignity of the Crown or of the Government is not lowered by giving them a protection under clause 231, I don't see why the dignity of the landlord or zamindar would be lowered by obtaining a similar protection. I therefore support the amendment that has been moved by the Hon'ble mover."

The Hon'ble SIR RAMA RAYA OF PANAGALLU:—"Sir, neither my friend the Hon'ble the Law Member nor the Hon'ble Sir Rahimtoola has touched the real point of my contention. The point is

that under the statutory laws zamindars and landlords can by a summary process distrain properties of their tenants for arrears of rent. But under sub-clause 4 of clause 281 when a landlord distrains property belonging to an insolvent company holding lands under him, the debts due to Government and the company's servants and workmen, will be a first charge upon the distrained property. I would therefore have this amendment as a safeguard against sub-clause (4) of clause 281. If the rent due to a zamindar or landholder is also made a first charge on the defaulting company's property, the zamindar or landholder can go in at least for a share in the distrained property. If clause 4 is not amended, or if clause 4 be not deleted, the landholders cannot recover their arrears of rent, in spite of the fact that they have taken all the steps they can under the law. As to the observation that the amendment will place zamindars in a worse position, I may at once tell my Hon'ble friends that that cannot be, because they have statutory laws to protect their interests, and this amendment cannot interfere with those laws."

The question having been put the Council divided, and the result was as follows :—

Ayes—16.

The Hon'ble Mr. Ghuznavi; the Hon'ble Maharaja Manindra Chandra Nandi; the Hon'ble Raja of Mahmudabad; the Hon'ble Raja Kushalpal Singh; the Hon'ble Rai Sri Ram Bahadur; the Hon'ble Mr. C. Vijiraghava Chariar; the Hon'ble Sir Rama Rayo of Panagallu; the Hon'ble Babu Surendra Nath Banerjea; the Hon'ble Maharaja Ranajit Sinha; the Hon'ble Raja Saiyid Abu Jafar; the Hon'ble Raj Sita Nath Roy Bahadur; the Hon'ble Malik Umar Hayat Khan; the Hon'ble Raja Jai Chand; the Hon'ble Sardar Daljit Singh; the Hon'ble Rao Bahadur V. R. Pandit; the Hon'ble Sir G. M. Chitnavis.

Noes—44.

The Hon'ble Sir Guy Fleetwood Wilson; the Hon'ble Sir Robert Carlyle; the Hon'ble Sir Harcourt Butler; the Hon'ble Mr. Syed Ali Imam; the Hon'ble Mr. Clark; the Hon'ble Sir Reginald Craddock; the Hon'ble Mr. Hailey; the Hon'ble Sir P. S. Wynne; the Hon'ble Mr. Meagens; the Hon'ble Mr. Montesth; the Hon'ble Mr. Saunders; the Hon'ble Sir A. H. McMahon; the Hon'ble Mr. Wheeler; the Hon'ble Mr. Enthoven; the Hon'ble Mr. Sharp; the Hon'ble Mr. Porter; the Hon'ble Sir D. D. Maclagan; the Hon'ble Mr. Gillan; the Hon'ble Major-General Birdwood; the Hon'ble Mr. Michael; the Hon'ble Surgeon-General Sir C. P. Lukis; the Hon'ble Mr. Gordon; the Hon'ble Mr. Maxwell; the Hon'ble Major Robertson; the Hon'ble Mr. Kenrick; the Hon'ble Mr. Kesteven; the Hon'ble Mr. Kinsey; the Hon'ble Sir W. H. Vincent; the Hon'ble Mr. Carr; the Hon'ble Sir Charles Armstrong; the Hon'ble Sir Ibrahim Rahimtoola; the Hon'ble Khan Bahadur Rustomji Jehangirji Vakil; the Hon'ble Mr. Fazulbhoy Cozrimbhoy Ebrahim; the Hon'ble Mr. Macpherson; the Hon'ble Mr. Maude; the Hon'ble Maharaj-Kumar of Tikari; the Hon'ble Mr. Arthur; the Hon'ble Major Brooke Blakeway; the Hon'ble Mr. Fenton; the Hon'ble Mr. Walker; the Hon'ble Mr. Arbuthnott; the Hon'ble Srijut Ghanasyam Barua; the Hon'ble Mr. Eales; the Hon'ble Maung Myé.

So the amendment was negatived

The Hon'ble Sir CHARLES ARMSTRONG:—"Sir, I beg to move that under the heading quoted, 'Capital and Liabilities', in Form F to the Third Schedule to the Bill, the item 'Loans Unsecured' be inserted after the item 'Loans Otherwise Secured.' I also am not depressed at the rejection of my first two amendments, but I do hope that this one will be accepted, because it will tend to clearness in the balance sheet. I must congratulate the Select Committee on the very excellent balance sheet which they have put forward, but I think it will be very much improved if they will adopt my suggestion and add the item 'Loans Unsecured' after the item 'Loans Otherwise Secured.' I may explain that in Bombay and Ahmedabad, and generally in Western India, there are a great many loans taken from depositors on three, four, six and twelve months. These come to a very large sum, and it is very advisable, I think, that in a balance sheet there should be a separate heading for them, so that one may be able to see at a glance what the position of the company is. Of course, if this amendment is not adopted, they will be placed under the head of 'Liabilities for other licences', but that seems to me rather a clumsy way of treating the matter. I suggest, therefore, that there should be a special head put in for them."

The Hon'ble Mr. CLARK:—"I quite agree with the Hon'ble Sir Charles Armstrong that this will be a great improvement in the balance sheet, and Government has much pleasure in accepting the amendment."

The amendment was put and agreed to.

The Hon'ble Mr. CLARK:—"Sir, I beg to move that the Bill to consolidate and amend the law relating to trading companies and other associations, as amended, be passed. It only remains for me to express my acknowledgments to Council, and especially to the Honourable Members of the Select Committee, for the cordial assistance and support they have given to Government throughout the passage of this voluminous and important measure."

The Hon'ble Maharaja MANINDRA CHANDRA NANDI of KASIM BAZAAR.—"Sir, the most important measure with which this Council has had to deal this session is the one we are called upon to consider today, and its importance will grow with the passing years and the development of Trading Companies in this country. Joint Stock Companies are a very young institution in India and any legislation likely to hamper its normal growth must be deprecated. At the same time, it is necessary that safeguards should be provided against the abuses of company promoting and reckless or unwise speculation with funds provided by an unsuspecting or confiding public. The Bill to amend the law relating to trading companies and other associations has been before the country for nearly a year and we in the Council have had the benefit of a mass of valuable opinion, both official and non-official, on the measure. I cannot say that the Bill has created much interest in the public press, and with the exception of a few leading papers interested in commercial questions the majority of newspapers have generally left this measure alone. But the opinions of responsible public bodies and the mercantile community elicited by the Bill go to show that there is a marked consensus of opinion in its favour and responsible public opinion is inclined to view this measure as a beneficent legislation. There is no general apprehension that this Bill will unduly hamper the growth of trading companies in this

country. The Bill as originally drafted has been carefully considered by the Select Committee which has proposed several important modifications and the Council is now called upon to consider the Bill as finally amended in committee.

"The generally accepted theory that capital in India is shy and has to be coaxed is only relatively true for in recent years we have witnessed a remarkable spirit of enterprise and the launching of numerous joint stock companies in different parts of India. It cannot be denied, however, that joint stock companies are on their trial in this country and we are passing through a stage of experiment. If for some unforeseen reasons or on account of a spirit of reckless adventure the success of important companies is jeopardised or heavy losses are incurred a reaction will be inevitable and the country will have to face a serious and probably a prolonged set-back to future enterprise and industrial and commercial development. Bearing this fact in mind and also that joint stock concerns are comparatively new to this country the Legislature is acting wisely and well in providing proper and legitimate safeguards against undue risks and improper management and in organising a system of supervision calculated to minimise the dangers of inexperienced or rash speculation.

"We are all aware, Sir, that no legislation, however thorough or however comprehensive, can prevent the failure of even the largest and apparently most prosperous concerns. Crisis come which cannot always be tided over and concerns managed with the most scrupulous honesty must sometimes come to grief. As the Hon'ble Member in charge of the Bill pointed out in his speech in introducing the Bill shareholders and depositors are everywhere more or less careless and they are certainly more careless in India than in England. Apart from unavoidable or unavoidable difficulties there is a palpable necessity for protecting, so far as is compatible with the minimum of interference, the interests of shareholders and investors and this is the main object of the Bill before us. The outstanding features of the Bill are the provisions regarding auditors, the larger powers vested in the Registrar or Companies and the ultimate power of the Local Government to take action. As the law now stands the Government is powerless until the crash actually comes when an inquiry discloses whether there has been any fraudulent malpractice or mere negligence. If there has been fraud the offending director or manager is brought to justice, but this is very doubtful satisfaction to the investor or shareholder who is either heavily hit or entirely ruined.

"Under the existing law any one may be selected or appointed to audit the accounts of trading and other companies and there is no qualifying test or standard of merit by which auditors are selected. This unsatisfactory state of things will be terminated by the new law. According to section 145 of the Bill before the Council 'No person shall be appointed to act as an auditor of any Company other than a private company unless he holds a certificate from the Local Government entitling him to act as an auditor of companies. The Local Government shall, by notification in the Local Official Gazette, make rules providing for the grant of certificates entitling the holders thereof to act as auditors of companies and may by such rules provide the conditions and restrictions on and subject to which such certificate shall be granted.' The possession of such a certificate will entitle the holder to act as an auditor of companies throughout British India unless the exercise of the right is limited by the certificate. 'The Governor General in Council may, by notification in the 'Gazette of India,' declare that the members of any institution or association specified in such notification shall be entitled to be appointed and to act as auditors of companies throughout British India.' Thus there will be a guarantee that auditors of companies in future will be qualified men who will have to satisfy the Local Government of their ability to discharge their duties before they are granted certificates. In a measure, therefore, they will be public servants responsible not only to the directors and shareholders but also to the Local Government. Their responsibility will be brought home to them by another provision in the Bill. At present the balance sheet alone has to be forwarded to the Registrar of Companies, but the auditor's report is not submitted to him nor is it available to the shareholders. Under the amended law the auditor's report will have to be forwarded to the Registrar of Companies and shareholders will be entitled to copies of it on payment of a specified fee. Consequently the audit report as distinguished from the balance sheet, will be a public report and the auditor will fully realise the grave nature of his responsibility. As he discharges it so will he retain or lose his certificate. It cannot for a moment be denied that in the interest of the Companies themselves, and is that of the shareholders and investors this is a necessary and wise precaution and the audit of trading companies will be done by qualified and responsible men.

"The next salient feature of the measure is the power of investigation by the Registrar of Companies. After perusal of the balance sheet and the auditor's report he will have power, under section 138 of the Bill, to call for any information or explanation in connection with those documents and it will be obligatory on all officers of a company to furnish such information or explanation. If the explanation is not considered satisfactory the Registrar shall make a report in writing to the Local Government. He will have no power to set the law in motion himself against any company or officers of a company. That power will vest solely in the Local Government. But the law will empower the Registrar to make enquiries and, may be, to sound a note of warning in time, leaving the ultimate decision as regards the course of action to the Local Government. This is a precaution to which no exception can be taken nor can it be urged that the Registrar will be vested with plenary or summary powers.

"Now, Sir, let us consider for a moment how this provision of the amended law is likely to work. It is an admitted fact that shareholders and investors are not very keen about their own interests and experience has shown that concerted action by shareholders is extremely rare. The affairs of trading and other companies are managed by boards of directors, the majority of whom are neither very competent nor men of leisure. They are generally guided and dominated by one man who is either the managing agent or managing director as the case may be. Experience has also shown that he is practically uncontrolled by his colleagues and the success or failure of a trading company or concern is mainly dependent on him. Of course his colleagues are equally responsible in law, but they are in actual practice led entirely by him. When the affairs of a company take an unfavourable turn there is no pressure or influence from inside or outside to exercise any check and so matters proceed from bad to worse until the crash comes and all are involved in a common ruin. Under the safeguards provided by the measure now before the Council there will be a periodical and authoritative, but friendly, scrutiny into the affairs of joint stock companies and it may be possible, to some extent, to prevent heavy disasters by some timely preventive measure such as the exclusion of a reckless director or

manager or the prevention of reckless or unsafe speculation or investments. Looking at the measure in this light I am sure it will be frankly and warmly welcomed by all interested in the ultimate success of joint stock companies in India.

"As regards the clauses relating to managing agents, the decision of the Select Committee that they should be circulated before consideration by the Council has my entire approval and support."

The Hon'ble MUHAMMAD SARDAR KHAN BAHADUR BURJORJI JEHANGIRJI VAKIL:—"Sir, I wish to make a few observations at this stage of the Bill which is before the Council. I do not wish that my position should be in any way misunderstood. I heartily support the measure. It is a measure which is absolutely necessary, and it is entirely in the interests of the creditors, shareholders, depositors and the investing public of the country. But at the same time I have to oppose it simply on the ground of the insufficiency of the time that has been at our disposal after the Select Committee's Report was out.

"There is hardly any measure which has attracted the attention of the general public and in particular of the commercial community more than the Indian Company's Bill, which has been so very ably drafted by the Hon'ble Member in charge of the Bill. From the voluminous opinions submitted on the Bill, not only by the various Government officials, but also by public bodies, commercial associations and individuals, it is evident that the Bill in question has given rise to several controversial points. But one thing is indisputable, and that is that, on the main principles of the Bill, there is not much difference of opinion.

"The Select Committee's Report together with the Bill comprising 127 foolscap pages is dated the 3rd instant, to-day it is the 15th. But in order to be able carefully to compare them with the various opinions received, the original Bill, as drafted in the first instance, and other analogous Acts perused thereof it struck me that although it is sought to bring the Bill in conformity with the English Company's Consolidation Act of 1908, some of the important provisions of the said Act have not found place in the Bill now under consideration.

"It is not my intention to take up the valuable time of the Council by recapitulating at length the objections I raised in my speech this morning. But I would summarize them in a few words.—

"Section 36 (2): the copying charges of Re 0 from the shareholders' point of view are exorbitant and they should be reduced to Re. 2.

"Then I referred to the question of auditors' qualifications. It is absolutely necessary that we must know what are to be the qualifications of the auditors whom we are going to engage in future to audit the accounts of our firms in which very large sums of money are involved.

"Then there is the question of past officers being asked to come and give evidence, or at least make statements with regard to the affairs of the company and that is also, as I pointed out in the morning, very objectionable.

"There are many other points to which I will not refer now.

"Where large assets of a complicated and difficult nature have to be realised, both the safety and interest of creditors demand that the realisation should not be absolutely at the discretion of a liquidator. A liquidator, the most honest and thoroughly disinterested, is liable to err. He may realise a security or other assets very hastily in a time of depression or panic, when by a reasonable exercise of patience and better information he might be able to sell them at a greater advantage. Experience of many a liquidation in Bombay for years past inform the Committee that there have not been wanting instances of disastrous liquidations where some of the reasons stated above have operated. A judicious nursing of really valuable assets but depressed for a time by certain reasons becomes absolutely necessary for a liquidator. A well-informed liquidator may wait, but another may not and which may be exceedingly prejudicial. Thus it may happen that the discretion of a liquidator may either spell prosperity to the creditors or shareholders or its reverse, specially in cases where the assets to be realised have to be reckoned not by thousands but by lacs. The practical remedy to avoid such a contingency, so far as it is possible, is to enact that there should be an advisory committee of 3 to 5 persons of confidence and highest respectability to be named by creditors and shareholders who may be consulted, and that the liquidator should be enjoined by law always to consult such a committee, and that every sale which has to be eventually sanctioned by the Court may, in the first instance, be accompanied by the affidavit of the official liquidator to the effect that the consent of the advisory committee had been obtained. A liquidator may be also directed to place full materials before such advisory committee prior to launching the companies into either unnecessary litigation or prosecutions which may not profit a company in liquidation. Thus laxity, carelessness, or even dishonesty on the part of a liquidator would be greatly curbed and controlled, and the stringent provision which the Legislature may be pleased to enact in this behalf would have a most salutary effect, while inspiring the investing public with greater confidence than at present. At any rate greater justice would be rendered and any tendency towards dishonesty considerably discouraged in future under the proposed new legislation.

"The Committee would also venture to observe that similar stringent provisions may be enacted where compromise of large debts is involved. The Committee respectfully beg to suggest that the constitution of such an advisory committee may be made on the same lines as those of the English Companies Consolidation Act or the present Presidency Towns Insolvency Act which provides for the Committees of Inspection.

"I further beg to add that the Committee of Inspection should be empowered to investigate and examine accounts, vouchers, documents, etc., of a Company under liquidation. The public opinion is strongly in favour of introducing some such prophylactic clause in the present Bill. The request of the creditors, depositors and shareholders of the said Bank appears to me to be a legitimate one and I hope the Member in charge of the Bill will be pleased to give it a favourable consideration. The insertion of a clause like the one I recommend will, I am sure, meet with the unanimous approbation of the investing public, and will be highly appreciated by them especially at the present juncture when the trend of popular feeling is in a hectic state owing to the recent failure of the Bank of Burma, and when the unfortunate victims, some of whom have lost a major portion of their hard earned money—widows and old men, look up to Government with mournful faces, for such drastic legislation that may even operate in the present case and now that the Legislature intends remodelling the existing law,

it is highly desirable that the long-standing defect in law be remedied. It will be none too soon. Moreover, while there have been sufficient safeguards provided, rather I should say stringent provisions made in the Bill regarding Directors and Managing Agents, the powers of liquidators appear to have been left unchecked. Now I will conclude, Sir, by making just a short reference to private companies. I beg to submit that no distinction ought to be made between ordinary joint stock companies and private companies."

The Hon'ble Mr. CLARK :—"Sir, I rise to a point of order. Is the Hon'ble Member proposing an amendment to the Bill, because he is not entitled to amend the Bill at this stage? The question put is purely one of general principle—whether the Bill should be passed or not."

The PRESIDENT :—"I was myself about to ask the Hon'ble Member whether he proposed to oppose the final stage of this Bill, or whether he was moving amendments. I cannot quite make out what he wishes to do."

The Hon'ble MEHERBAN SARDAR KHAN BAHADUR RUSTOMJI JEHANGIRJI VAKIL :—"No, Sir. I am not moving any amendments. I am simply opposing the Bill, and I am placing before the Council certain features of the Bill with a view to let Hon'ble Members form an opinion as to whether they should pass the Bill or oppose it."

The PRESIDENT :—"I clearly understand that the Hon'ble Member is not suggesting amendments at this stage."

The Hon'ble MEHERBAN SARDAR KHAN BAHADUR RUSTOMJI JEHANGIRJI VAKIL :—"No, Sir. I beg to submit that no distinction ought to be made between ordinary joint stock companies and private companies. It is true that shares in private companies are distributed, but nevertheless the circumstance does not place any check upon their borrowing capacity, and when the ordinary companies are required to publish their annual balance sheets and file copies thereof with the Registrar of Joint Stock Companies, the exemption of private companies appears to me to be a privilege which the public would not relish. The public is not yet sufficiently educated to understand the subtle distinction between the two companies. Now, Sir, there is no Member here who does not see the necessity of introducing a measure of the kind which is before us, but at the same time I beg emphatically to say that the time that has been at the disposal of the Members themselves since the appearance of the Report of the Select Committee has been very very short, and I still urge that if this Bill is postponed for some time no harm will accrue. With these few remarks I beg to oppose the present passing of the Bill."

The Hon'ble Mr. PANDIT :—"Sir, after the speech in opposition to the passing of the Bill made by the Hon'ble Mr. Vakil as a member of the Select Committee, I should like to say a few words in order to defend and support the motion before the Council, namely, that the Bill as amended be passed.

"Sir, the Hon'ble Member has considered the time that was allowed after the publication of the Report of the Select Committee too short for him and those who share the same view to suggest what amendments they thought necessary for a modification of what they considered to be objectionable features of this Bill. Well, Sir, this Bill was introduced, as the Hon'ble Member in charge has mentioned, some four years ago. With regard to this Bill, there was before the Select Committee such a huge mass of literature on the subject, opinions from all quarters, which had to be and was duly considered that it was scarcely worth while for anybody to ask for further time to consider the Bill. I am sure the Hon'ble Member is under some misapprehension in thinking that any such radical change has been introduced in the Bill as it is now before the Council as to require a reconsideration at the hands of the public. I can say that the Hon'ble Member may rest assured that the members of the Select Committee gave it their best attention, and that everyone of us strove to make the Bill as useful and as little harmful as possible. Personally I have myself to thank the Hon'ble Member in charge of the Bill and the Hon'ble the Law Member for accepting certain amendments which modify what appeared to be objectionable provisions in the Bill as it was introduced in this Council. The Hon'ble Member has referred to what appears now as clause 197, and he considers that clause objectionable. But I may assure him that at my instance the objectionable features of the clause as it first stood were removed, and the present clause can certainly not be taken exception to on any grounds that are easily intelligible. Similarly, the rigour of the penal provisions has been greatly modified, and all transgressions have been made non-cognizable. Again, with regard to auditors, the Hon'ble Member has raised certain objections. I can quite understand that when provision is made for the Government to specify the qualifications of the auditors or to issue certificates, small companies may be apprehensive that the qualifications fixed may be so high and the cost of audit become so burdensome that it might prove a handicap. I can only express the hope that in the preparation of the rules that will be framed under this Bill these considerations will have due weight, and that the qualifications of auditors and the scale of their remuneration, if any, will be so fixed as not to make their employment burdensome to small companies. The Hon'ble Member might easily have notified and moved the amendments he desired if he really thought any provisions in this Bill objectionable, but during the earlier part of the day we found he had no amendments to propose and nothing to say on those which were discussed. Of course, he might have said that it would not have been of any use moving any amendments, considering the fate that the Hon'ble Rai Bahadur Sita Nath Roy's amendments shared, and he might have envied the lot of the Hon'ble Mr. Monteath in connection with his amendment which was so easily accepted. But, after all, the Council having spent so long a time over the piece of legislation and the Select Committee having devoted so much deliberation to the subject, it is really not reasonable to ask this Council to put by the measure for further consideration and to bring it up again and to spend afresh a large portion of the time of the Council. With these remarks, I support this measure, and I can only express the hope that framed as this Bill is with the best of intentions—namely to satisfy investors in joint stock companies that their interests will be carefully looked after and that they will have no reason to rue the day on which they took any shares in them—it will prove beneficial to joint stock concerns and will help to promote the trade, commerce and industries of this country."

The motion was put and agreed to.

THE INDIAN CRIMINAL LAW AMENDMENT BILL

The Hon'ble Sir REGINALD CRADDOCK :—"Sir, in moving that the Report of the Select Committee on the Bill further to amend the Indian Penal Code and the Code of Criminal Procedure, 1898, be taken into consideration, I desire to remind the Council that at their meeting of the 5th March the principle of this Bill was accepted without a division, while the urgency of it was affirmed by a majority of 57 to 2."

The Hon'ble Mr. VIJIARAGHAVACHARIAR :—"Sir, I believe a motion is being made. I have to rise to a point of order. I do not know whether the formal motion has been made, or whether it is reserved for the end of the speech. I have not been able to quite catch it."

The PRESIDENT :—"It will be open to the Hon'ble Member to move it either at the end or at the beginning."

The Hon'ble Mr. VIJIARAGHAVACHARIAR :—"Sir, I fear I have not been quite clear. The ruling I seek is not about any motion of mine, and I desire to move no motion now. I want to raise a point of order in this sense, that the motion of the Hon'ble the Home Member is unconstitutional. Am I to understand that you have ruled that I do it at the end, or I can do it now at the beginning. I entirely place myself in the hands of the Chair."

The PRESIDENT :—"I do not understand what point of order you raise."

The Hon'ble Mr. VIJIARAGHAVACHARIAR :—"It is a question whether the motion is in order, and whether it ought to be accepted. I may be told that I am too late at the end of the Home Member's speech and I bring it to the notice of the Chair."

The PRESIDENT :—"I understand that the only motion which is before the Council is that the Report of the Select Committee on the Bill further to amend the Indian Penal Code and the Code of Criminal Procedure, 1898, be taken into consideration. Surely there can be no question that this is a perfectly constitutional action on the part of the Member in charge of the Bill."

The Hon'ble Mr. VIJIARAGHAVACHARIAR :—"As to the motion, it is not on the merits that I wish to say what I have got to say. It relates entirely to the question whether the motion is before us in accordance with law and rules. May I call your attention to rule 7 of the Rules of Business."

The PRESIDENT :—"I do not think that any question of order arises. The Hon'ble Member is in charge of a Bill, and that Bill has been referred to a Select Committee, and he now moves that the Report of the Select Committee on the Bill to amend the Indian Penal Code and the Code of Criminal Procedure be taken into consideration. It will be open to the Hon'ble Member to make any remarks on the subject as the Bill goes on.

"I am quite willing to allow the Hon'ble Member to explain himself. I may have misunderstood him, but I do not think any point of order arises."

The Hon'ble Mr. VIJIARAGHAVACHARIAR :—"Sir, I submit that the question whether the motion now made before the Council is in order or not is not a question for the Council, but exclusively for the Chair. Supposing I make out to the satisfaction of the Chair that the Report of the Select Committee is an unconstitutional and invalid document having regard to our rules and to the practice and Standing Orders of the House of Commons; and whether the notice should be accepted by you, Sir, is not a question as to the merits of the motion itself, but it is upon principles as to points of order that are embodied in rule 7. I shall presently give my reasons and quote my authority to show that I am entitled to treat the motion not on its merits, but as a question of a point of order exclusively. I shall give my reasons later on. I venture to submit that whether any particular motion is or is not within the law and the regulations is exclusively a point for the decision of the Chair."

The PRESIDENT :—"I decide most certainly that there is no reason whatever why we should depart from the usual practice of allowing the Member in charge of the Bill to proceed in the ordinary manner."

The Hon'ble Sir REGINALD CRADDOCK :—"Sir, as I remarked before the Hon'ble Member rose to a point of order, the principle of this Bill was accepted without a division at our meeting of the 5th of March, and the urgency of it was affirmed by a majority of 57 to 2, but as I myself pointed out at the time, and as the speeches of those Hon'ble Members who spoke indicated, the principle of the Bill was accepted on the usual understanding that the details of the measure would be examined in Select Committee with a view to ensure that the Bill would fulfil its objects, that there were no flaws in it, and that any safeguards necessary to prevent the measure being used vexatiously or inconsiderately would be duly considered. That examination was carried out by the Select Committee, and the additional amendments of the law necessary to provide the safeguards are before the Council, together with the Select Committee's Report.

"My task now is, therefore, merely to explain what these safeguards are. Clause 4 of the Bill makes a small amendment in sub-section (3) of section 196 of the Criminal Procedure Code. By this amendment it is provided that when cognisance of any offence by a Court requires the sanction or the complaint of a Court or a public servant, criminal conspiracies to commit those offences shall require the same authority before a Court can take cognisance of them. In respect, therefore, of the offences specified in section 195, which deal generally with offences against public justice or in contempt of the authority of public servants, criminal conspiracy to commit those offences is put on all fours with abetment.

"Then there is clause 5 of the Bill, which will add a new section, 196-A, to the Criminal Procedure Code, and the Council will observe that a particular differentiation is made between the various kinds of conspiracies. Under the law as amended, conspiracies to commit offences against the State, which are specified under section 196 of the Criminal Procedure Code, are placed upon the same footing as the offences themselves, namely, the authorisation of the State is required before cognisance can be taken of them. The principle followed in fact, so far as these amendments to which I have drawn attention are concerned, is that in cases where Courts can only take cognisance of certain offences, after some antecedent authorisation, similar antecedent authorisation is made necessary before a Court can take cognisance of criminal conspiracy to commit those same offences. This is a principle which will, I feel sure, commend itself to the Council and meet with their universal acceptance.

"There remain those conspiracies which relate to offences of which Courts can take cognizance without prior authorization, and those conspiracies which aim at objects which are illegal, though not offences, or which are legal but are to be attained by illegal means.

"To take these two classes in order. As far as conspiracies relating to offences are concerned it was discussed in the Select Committee what prior authority, if any, was advisable before prosecution for such conspiracies should be instituted in the Court. After very careful consideration it was decided to make the following distinction, namely, of offences which are not serious offences, as well as offences which are serious but not cognizable by the police, and so distinguish them from offences which are both serious and cognizable by the police. In the cases of offences that fall into the former category we have considered it prudent to accept the recommendation of the Select Committee to provide a check on rash, vexatious and ill-considered complaints, by requiring the prior consent, in writing, of the Local Government, or a Presidency Magistrate, or a District Magistrate specially empowered by the Local Government in that behalf, before a Court can take cognizance of conspiracies in relation to those offences. It is only, therefore, when the offence which is the object of the conspiracy is both cognizable by the police and is punishable with two years' rigorous imprisonment and upwards that the new offence of criminal conspiracy can be investigated by the police on their own initiative. In respect of these offences only, namely these serious offences which I have described, the police will have the same power as they already possess if any of these offences are abetted by way of instigation.

"Lastly, there is the conspiracy to do an illegal act, or to do a legal act by illegal means, when the object of the conspiracy does not constitute a criminal offence. In my speech introducing the Bill I emphasised the point that wrong inflicted on a private individual by another private individual might be left to the civil law for remedy, but that when such wrongs are inflicted on another by a combination of persons then the injury contemplated may constitute danger to society, or to the State, of such a nature as to require that the combination to inflict these wrongs should be made punishable by law. Now it may be contended that many actions taken in contemplation by two or more persons may not be dangerous or can properly be left to the Civil Court to deal with, or may really relate to such trivial or petty classes of illegality, that in bringing conspiracies of this kind within the terms of the criminal law we are widening that law so as to include all sorts of comparatively harmless or innocent doings, and opening the door to vexatious charges against persons who might be innocent of wrong intention. The Government have certainly no desire that by means of this Bill any such undesirable consequences should be allowed to ensue; but at the same time criticism of this kind may sometimes be carried much too far. There are persecutors and there are victims of persecution, and in carry our solicitude for the possible troubles of the persecutors under our proposed law to such an extreme as to ignore the certain troubles of the victims of persecution under the present law would be to 'strain at a gnat and swallow a camel.' The real point of discrimination to be observed is whether the conspiracies falling within this last category are a source of present or potential danger to the public, or to society at large, or to the State. It is not possible to leave to the interpretation of the Courts the discrimination of conspiracies which are dangerous and conspiracies which are comparatively harmless. The Court can take into account nothing more than the circumstances of a particular case, whereas the danger to the community of a particular conspiracy may depend on many extraneous circumstances which do not come within the cognisance of the Court. Whether a conspiracy is of a kind that is dangerous or not can be determined only by the State itself, and we have, therefore, decided that before anyone can be subjected to a prosecution for a conspiracy of which the object is not an offence the consent in writing of the Governor General in Council or a Local Government shall be a necessary preliminary. This type of conspiracy is, therefore, put into the same category as those offences against the State which are specified in section 196 of the Criminal Procedure Code. No stronger guarantee than this can possibly be given that the new law will not be set in motion unless the public interests render it necessary. Now that the Bill is provided with these safeguards, in order that it may reach only those offenders whose prosecution the public interests require, I trust that, just as the Council accepted the principle of this Bill, so now they will accept also its details; and I move accordingly that the Report of the Select Committee be taken into consideration."

The Hon'ble Mr VIJIARAGHAVACHARIAR:—"Sir, I rise to oppose this motion, and I crave your indulgence for a few minutes so as to enable me to make my ground clear. My contention is that the entire proceedings of the Select Committee and the Report of the Select Committee are wholly invalid, and they would vitiate our proceedings to-day unless the motion is ruled out of order. I believe, if my contention is accepted, it will make the Report, which is now the subject-matter of the motion before us, an entirely void document, and liable to be cancelled by order of the Chair without the motion being put to the vote. I should like to make a few remarks in view to enable me to make out my case, and I shall do so by calling the attention of the Chair to the rules under which the legislative business of this Council is conducted, and next, if there is any doubt about the construction of these rules, by a reference to the Standing Orders and to the practice of the House of Commons, of which, Sir, you know far better than I can pretend to; especially in Delhi where there is a superb and enviable public library. So, as to a great deal of what I am going to say, I depend upon my memory, and I believe the statements I shall make will be accurate, unless, at all events, there is authority on the other side to contradict me. The position I take is this, Sir, as I said, as regards my view, I believe I am entitled to have a decision from the Chair, and I am entitled to address the Chair and the Chair alone. Eventually it may be open to the Chair to decide whether it ought to be treated as a matter to be decided by the whole Council, or whether it is a matter exclusively to be decided by the Chair. Therefore, in addressing you, Sir, I shall perhaps do well to direct my observations to the Hon'ble Members of the Council also. This Bill, as we all know, was referred to the Select Committee on the 5th March. On the 14th March the Members of the Select Committee met. On that day, I understand, the non-official members almost to a body were for confining the scope of the Bill to some serious offences, such as State offences, and offences against the Army and Navy, and to exclusively confine them to these, and then they were prepared to support the measure. There was a discussion and a debate, but no finality was reached on the 6th. They again met on the 8th.

"But on the 8th they were authoritatively told that the Council having accepted the principle of the Bill, the Select Committee had no power to contract the scope thereof. I respectfully submit that this view is wholly unconstitutional, and it misled several Hon'ble Members of the Select Committee

into erroneous judgment and into erroneous conduct as regards their rights and duties as members of the Select Committee, and henceforth they thought it to be their duty to examine the Bill or to do what they could with the Bill, to prick it or cavil with it otherwise than to deal with the principles of the Bill, which they were told were sacred, and that they could not interfere with them. If that is so, I say the whole proceedings of the Select Committee are illegal, and the Report made in consequence is an invalid document, and I shall presently endeavour to show that this view of mine is maintainable and entitled to your consideration.

"I need hardly say, Sir, that these rules are framed under section 18 of the Indian Councils Act, 1861. We have no such expression as 'Select Committee' in the law itself. It is under the rules that Select Committees are made. The functions of the Select Committees are not expressly stated anywhere in the rules. We had Select Committees before the Indian Councils Act, 1861, and it has always been taken for granted that the functions of the Select Committees are exactly the same as the functions of the Select Committees of the House of Commons. Therefore, I am entitled to call your attention, Sir, to the practice and to the Standing Orders in the House of Commons. I shall also refer you to a few rules of this Council on the subject as I understand them. Before I do so, however, I shall beg leave to call your attention to the Select Committees in the House of Commons. There are, as you know, two kinds of Select Committees."

The PRESIDENT.—"I am afraid the only rules I can take any cognisance of are the rules which govern the procedure in this Council. I quite recognise that it is open to the Hon'ble Member to illustrate his argument by pointing to rules elsewhere, but these are the only rules I can take cognisance of."

The Hon'ble Mr. VIJIARAGHAVACHARIAR:—"My point is that our Select Committees have full power to deal with the Bill exactly as this Council can deal with it as to the principles. First of all, in obedience to your orders, I shall invite your attention to the construction of the rules made under the Indian Councils Act on the subject.

"But in order to illustrate it, I may be allowed to refer to the two sets of Select Committees in the House of Commons, because it will make my meaning clearer. In the House of Commons there are two sets of Select Committees, or rather Select Committees for two sets of business. One is to examine and report on proposed legislation, namely, a Bill; the other is—and this kind we have not got—a Select Committee to which business other than Bills is referred; for instance, for taking evidence and for making report thereon. In the latter kind of Select Committees their powers are derived from the Order of Reference and are controlled and governed by the Order of Reference, whereas in the case of the former kind of Select Committees, namely, those to which Bills are referred, there is no Order of Reference, no instructions, the Bill is referred intact. My contention is we have borrowed this latter practically here. Then I call your attention, Sir, to our Rules.

"Rule 19 says:—'When a Bill is introduced, or on some subsequent occasion, the Member in charge of it shall make one or more of the following motions:—

(a) 'that it be referred to a Select Committee.'

"I need not read the rest of this rule.

"Then Chapter IV deals with Select Committees: rules 24, 25, 26 and 27.

"Rule 24 merely says:—'The Law member shall be a member of every Select Committee.

'The other members of every Committee shall be named by the Council when the Bill is referred, or at any subsequent meeting.

'The Law Member, or, in his absence, the Member in charge of the Bill, shall be Chairman of the Committee, and, in the case of an equality of votes, the Chairman shall have a second or casting vote.'

"Rule 25 says:—'After publication of a Bill in the Gazette of India, the Select Committee to which the Bill may have been referred, shall make a report thereon.

'Such report shall be made not sooner than three months from the date of the first publication in the Gazette of India, unless the Council orders the report to be made sooner.

'Reports may be either preliminary or final.

'The Select Committee shall in their Report state whether or not, in their judgment, the Bill has been so altered as to require re-publication, whether the publication ordered by these Rules or by the Council has taken place, and the date on which the publication has taken place, and so forth.'

"Now these are all the rules which deal with functions of Select Committees.

"Then there is the final motion under section 32, where there is another reference to Select Committees. I call attention, Sir, to the fact that there is no provision in the rules for any Order of Reference to Select Committees; and indeed in our rules there is no such thing as an 'Order of Reference.' The Bill is merely referred, and I say it is in accordance with the practice obtaining in the House of Commons that the Bill is so referred. Therefore, when a Bill is referred, unless we have got authority to show that the Select Committee to which it is referred has only a contracted province, that its province is confined to an examination of the details of the Bill, unless we have got authority to show that their scope, their functions, and their duties and privileges are all defined and limited in any particular way, the members of the Committee have authority for dealing with the Bill as they like. Now that that is so is clear, Sir. If you will look at Rule 25, you will see that it says:—

'The Select Committee shall in their Report state whether or not in their judgment the Bill has been so altered as to require re-publication.'

"Now this power of alteration, by necessary implication, shows what are the powers of the Select Committee. It cannot possibly mean, applying the ordinary rules of grammar, alteration only in a minor degree, without interfering with the principles of the Bill. If so, the rules would have said so. Therefore that expression 'so altered as to require re-publication' clearly shows that they could alter the Bill in any way they liked.

"I would call attention, Sir, to the other rule, No. 32, which relates to the final stage. I says:—

'Any member may move that a Bill which has been amended by the Council or by a Select Committee be re-published or re-committed.'

"The word 'amended' there is used both in reference to the Council and in reference to the Select Committee. I cannot bring myself to believe that amended by the Council has one meaning, and amended by the Select Committee has another and an inferior meaning.

"I cannot possibly believe that the makers of the rules intended that it should have such a meaning. Therefore, having reference to these rules, I am entitled to say that the Select Committee had full power to deal with the Bill referred to them in any way they liked. Now, as regards this, you are entitled to ask me what is the next procedure. I think that when an unconstitutional document is placed as the basis of a motion, it is for the Chair and for the Chair alone—and not for the Members of Council—to decide whether the motion is a proper one and ought to be accepted for further progress of the Bill. In the House of Commons such a thing has occurred more than once. In one case—I am speaking without book, but I think it was during the sixties or seventies—a Select Committee of the House of Commons altered a Bill, and the amendments put forward by Members were so successfully carried out, that nothing remained of it—even the preamble disappeared—except the word 'That'. Whatever was the cause, that was the only remnant left after the treatment accorded to it by the Select Committee. The Report had of course to be made and the speaker had to accept it and declare that if the originators of the Bill liked they might bring in another Bill. I say this to show that the Select Committee had full power to deal with the Bill in any way they liked, and they might even so deal with the Bill that it is left with sentences without predicates, without nominatives, and without objects! Another instance I now remember is this. The Report of a Select Committee was dated after Parliament was prorogued, and when the motion was made that the Report be accepted, the attention of the speaker was called to the fact that it was dated after Parliament was prorogued. It was declared to be unconstitutional, and the speaker said that he would not accept the motion. It was a matter for the speaker alone to say whether the motion before him was legal and constitutional, and whether he should put it to the vote. Now I respectfully submit that the present is an exactly similar case. This alone is sufficient for my purposes, if the Chair accepts my interpretation of the Rules. There is another matter also in connection with the proceedings of the Select Committee. Just now the Hon'ble the Home Member alluded to the sanction as regards certain offences. Now, as regards offences declared as cognisable—I believe all of us know what cognisable offences mean—that is offences which the police can investigate without an order from the Magistrate, and in regard to which they can arrest people and search their houses. Conspiracies to commit these cognisable offences are, for the purposes of the new law, divided into two classes. I will call them the upper and lower classes. Now, sanction is provided for initiating prosecution for the lower class, but it is withheld from the upper class. Several of my Hon'ble friends who were in Select Committee got into the other belief that sanction was provided for the prosecution of the upper class of offences, and the lower class was excluded from all necessity for sanction. In that belief they accepted and signed the Report. How that belief arose I am unable to say. However, there was exuberant talk about safeguards being provided and what not; but the fact was, all the same, there and my Hon'ble friends, several of them I mean, thought that the principle of granting immunity for prosecutions for serious offences was accepted by the Select Committee. I am prepared to confess my dulness, but I thought so too until I examined the Bill and the Select Committee's Report when I began to write my own notes for preparing my amendments. I was under the belief that the sanction was provided for the higher sort of cognisable offences and not for the lower sort. This is the second error which several Hon'ble Members seem to have fallen into, and they evidently signed the Report under that belief. This is not a mere technicality. You, Sir, are entitled to ask the question, supposing they did commit this error, how many would have signed the Report if this error had not happened, and—."

The Hon'ble Mr. SYED ALI IMAM.—"I rise, Sir, to a point of order. My submission to the Chair is that the Hon'ble Mr. Vijiaraghavachariar in raising questions before the Council as to what happened in the Select Committee is completely out of order. The proceedings of Select Committee, as is well known, are not recorded. They are generally such in which free discussion among members takes place with the sole object of threshing out the difficult points of the Bill committed to the care of that Committee. In this particular Committee—."

The PRESIDENT:—"I think I must ask the Hon'ble Member to limit himself to the exact point of order."

The Hon'ble Mr. SYED ALI IMAM:—"I am coming to the point of order. I am not making any speech at all. My point of order unfortunately has to be explained more or less in the same proportion of length in which the point of order raised by the Hon'ble Member on the other side has been put."

The PRESIDENT:—"I think the Hon'ble Member is not raising it as a point of order."

The Hon'ble Mr. VIJIARAGHAVACHARIAR:—"No, Sir; I was opposing the motion."

The Hon'ble Mr. SYED ALI IMAM:—"The Hon'ble Member, Sir, in proposing the motion has placed before the Council a number of considerations that I submit do not arise in the sense that the Hon'ble Member himself was not in the Select Committee, and therefore the Hon'ble Member cannot before this Council make averments and statements with the responsibility of one who could say that he personally bore witness to what took place in that Committee. I object to the Hon'ble Member making any statements here in this Council that have not the authority of his personal observation and knowledge."

The PRESIDENT:—"The present point of order which has been raised is a perfectly sound point of order, and if the Hon'ble Member had risen to a point of order I should have stopped him myself, but I gathered that he was speaking on the general question, and I think that perhaps the most convenient way of carrying on the discussion would be for the Hon'ble Member to deal with the speech as a whole, and then show that it is based on what the Hon'ble Member considers to be untrustworthy information, inasmuch as it was not based upon personal knowledge. At the same time I must appeal to the Hon'ble Member not to discuss problematical conditions."

The Hon'ble Mr VIJIARAGHAVACHARIAR:—"Thank you, Sir. The fact, I think, was beyond dispute. Several Hon'ble Members came and asked me for my opinion. Of course I am open to correction in what I say. But several Hon'ble Members asked me after the thing was over about the principle raised, namely, the Council having accepted the principles of the Bill, whether they had power or not to deal with them. They asked me for my opinion, but it was too late. I am entitled, however, to use the information which was given to me by Members present who took part in it, unless and until I am told by the Hon'ble the Member in charge of the Bill or the Hon'ble the Law Member that it

is inaccurate I therefore respectfully submit that it was open to me to act upon information given to me by Hon'ble Members who were present, and the accuracy of which I have no reason to doubt. My information derives corroboration from the speech just made by the Hon'ble the Home Member that the principles were accepted by the Council and the details were most carefully considered by the Select Committee. I shall submit any authority if that is necessary. At present I go on the supposition that the information I received is accurate and nothing but accurate. I do not depend on one Member."

The PRESIDENT :—"I must ask the Hon'ble Member to speak to the motion which is to be taken into consideration."

The Hon'ble Mr. VIJIARAGHAVACHARIAR :—"I oppose the motion on these two grounds at present, not on its merits; on the merits I shall have an opportunity finally when the motion is put that the Bill be passed into law. Having regard to all that took place during the Committee stage I leave it to the Chair to say if the Report is not made and the proceedings are not wholly in accordance with the laws and regulations, what is to be the effect?"

The PRESIDENT :—"Was the Hon'ble Member on the Committee?"

The Hon'ble Sir REGINALD CRADDOCK :—"No."

The PRESIDENT :—"As the Hon'ble Member was not a member of the Committee, he is not entitled to take up the time of the Council in discussing what took place and what did not take place at its meetings. I must again ask him to deal with the subject-matter that is before us."

The Hon'ble Mr. VIJIARAGHAVACHARIAR :—"I only wish to understand my position correctly. May I not act upon information, unless it is incorrect, for the purpose of shewing whether proceedings and report are illegal? That is the question. If the Chair rules that I am entitled to act upon information furnished to me which I believe to be accurate I have something more to say. If the Chair rules that I have no power to act upon information as furnished to me by several Hon'ble Members present I shall sit down."

The PRESIDENT :—"The Hon'ble Member is entitled to speak generally. He cannot speak on the point as to how the Committee's Report proceeded to the house was dealt with in Committee. He is not entitled to raise a question on the conduct of Members of that Committee of which he did not form a part."

The Hon'ble Mr. VIJIARAGHAVACHARIAR :—"Sir, I have nothing more to say. I oppose the motion."

The Hon'ble Mr. MADHU SUDAN DAS :—"Sir, I do not think that at any time it is a matter of congratulation to any community or to any individual of that community to associate themselves or himself in the importation, if I may use the expression, or the expansion, of a criminal law that did not exist in the country and did not apply to it. It is not a matter of greater congratulation either to be a member of a Select Committee to which a Bill incorporating such a law is referred; because whether it be importation or expansion the necessity of the additional criminal law implies an increase of criminality, and therefore it is not a matter of congratulation to the community. Being one of the members who were in the Select Committee I did not feel myself flattered when I was listening to the remarks made by the Hon'ble Member who preceded me. I am sorry that on account of some defect (it may be in the acoustics of this Chamber or some other defect but certainly not a defect in my auricular appendages), I did not hear him as distinctly as I should have wished to do, but this much I understood him to say that the Select Committee had in it none who signed the Report without knowing what they were signing. I should think it was long, long ago when I grew beyond that stage. I saw in the Rules ratified by Government for the election of Members of this Council a provision to the effect that any Member who cannot read, write or sign his name may ask another person to do it. That is actually one of the rules of the election. I did not find my way here under that rule at any rate. It has been very properly observed by the Law Member that the proceedings of the Select Committee have always been considered as confidential; they are never published. At least I know, by experience in the Bengal Council that when I referred to a remark that had been made, or rather to the opposition which had been offered to an amendment that I had suggested, it was ruled from the Chair that the proceedings of the Select Committee were confidential. If there is anybody who in a particular occasion like this does not like these proceedings to be characterized as confidential, it is I. I do not see that my name should be associated, humble though I am, in any proceedings of that nature, where the charge is that by some mesmeric influence over me my name got into a paper to which I was not an intelligent signatory. Sir, what was referred to the Select Committee was a Bill which was introduced before Council; that is always the case. It does not throw any light on the subject now for the discussion before this Council to refer us to a certain Bill which was so shorn by the Select Committee of the House of Commons that nothing remained but, like the Kilkenny cats, two tails, we don't know what the Bill was. We don't know what the Select Committee did; and it would be a very poor analogy, certainly not justice to the Members of the Select Committee or their doings, to refer to a Bill of a nature which is not before the Council now. When a Bill is referred to a Select Committee the Select Committee has to do with that Bill. Take this particular Bill now before us. This particular Bill refers to the word 'illegal.' 'Illegal,' as defined in the Penal Code, covers cases which give cause of action in a civil court. Would it have been within the jurisdiction or within the competence of the Select Committee to go and revise the Contract Act in order to see whether hypothetical cases which were brought before the Select Committee by certain members ought or ought not to be covered by the particular Bill that was before them? All that possibly could be discussed was discussed before the Select Committee; and certainly it is not doing justice to us, we poor members of the Select Committee—I am applying the word 'poor' to non-official members—to say that we did not do justice to the work before us, we did not try our best to safeguard the interests of the country, or that we did not do our duty to the State which had been called upon to adopt certain measures on account of certain recent and hitherto unknown developments in the country."

The Hon'ble Sir G. M. CHITNAVIS :—"Sir, I would be unjust to myself if I allowed the charge brought by my Hon'ble friend to go unchallenged. It is not correct to say that we ante-dated

Members of the Select Committee subscribed to the Report without a proper realisation of its import, I beg to assure my friend that I was fully conscious of what I was doing. I supported the Bill, as amended, with full knowledge of the details. It is true I proposed in Select Committee some modifications, one of them being the limitation of the operation of the Bill to certain classes of offences, that is, the major offences, but the proposals had ultimately to be dropped. But that does not show that I did not understand the purport of the Report when I signed it."

The Hon'ble MALIK UMAR HAYAT KHAN:—"Sir, perhaps owing to my weakness the things that I wanted to say the other day I dropped. What I really wanted to say was that when Government is resolute in doing a thing they ought to do it straight off. I have seen such things in Calcutta. There was no discussion; there was no trouble. When the country wants a law, and Government thinks and the people think that the time is ripe for it, then it ought to do it in one day, and there is no trouble about it. I simply have got up to say only on this occasion that the thing which ought to have been done long ago, ought now to be taken into consideration."

The Hon'ble MAHARAJ KUMAR GOPAL SARAN NARAIN SINGH OF TIKARI:—"Sir, as a Member of the Select Committee I would not have said much regarding this Bill, but owing to remarks which have just fallen from the Hon'ble Mr. Acharier, in which he stated that we non-official members of the Select Committee—he mentions the whole of us—signed the Report absolutely without knowledge of what we were doing. Well if any members have authorised him to do so I wish he would mention names, because I for one understood what I was doing, and I never authorised him to say what he has said."

The Hon'ble Mr. VIJIARAGHAVACHARIAR:—"May I rise to make a personal explanation only? I never said that any member of the Select Committee signed the Report without knowing what he was doing. I distinctly said that two grave errors led to erroneous judgments and erroneous conduct with regard to their rights and duties. I wish they would understand what I said."

The Hon'ble Maharaja RANAJIT SINHA OF NASHIPUR:—"Sir, as a member of the Select Committee I should like to say a few words. Unfortunately, I was not present on the first day, that was the 6th March, but practically the Report was settled on the 7th, and I was present at that meeting. I do not remember that any suggestion was thrown out that the members of the Select Committee were bound to accept the Bill as it was referred to them. The only thing perhaps said was that the principle of the Bill had been settled, and that a Bill of conspiracy should be passed. There was no talk in the Committee that we had no power to alter the Bill, or to safeguard it according to our own lights, and I also, therefore, repudiate the charge that the members of the Select Committee signed the Bill without knowing its contents or fully understanding what they were going to do. And, I think, that the charge laid against the members of the Select Committee is without any foundation."

The Hon'ble Sir RAMA RAYA OF PANAGALLU:—"Sir, I endorse every word that the Hon'ble Sir Gangadhar Chitnavis has said; and I can assure this Council that as a member of the Select Committee I did my duty to the best of my ability."

The Hon'ble BABU SURENDRA NATH BANERJEE:—"Sir, every member of the Select Committee seems to think that he is an accused person undergoing his trial and that we are here sitting as judges upon the members of the Select Committee. I do not think that there is the smallest inclination on the part of Hon'ble Members here, or on the part of the Hon'ble Mr. Acharier to lay any complaint or any charge against any member of the Select Committee. My Hon'ble friend has already disclaimed any intention to impute to them having signed this document, the Report of the Select Committee, without understanding its contents. I think all of us here have outgrown the period of childhood and we are supposed to understand what we are about, and to sign documents after fully understanding their meaning. But, Sir, the crux of the complaint which my Hon'ble friend has brought forward is this, whether or not the Select Committee as a Select Committee was restrained from considering the Bill in all its aspects, and I think in a matter of that kind, the Hon'ble the Home Member would be the best person to give us an explanation whether or not it is the fact that the members were restrained, by reference to the acceptance of the principle, from considering the Bill in all its aspects."

The PRESIDENT:—"Order, order. I gave the Hon'ble Member considerable latitude, because I was under the impression that he must have formed part of the Committee as he dealt with it very fully. I understand that the Hon'ble Babu Surendra Nath Banerjea was not on the Committee. I think the time has come when Members should address themselves to the subject which is immediately before them, and not to discuss, when they have not served on the Committee themselves, what took place in the Committee. If any member of the Committee has any exception to take to the conduct of the business in that Committee it is for him to rise and make any remarks which he may have to offer, and not for persons who have not attended that Committee."

The Hon'ble Mr. SYED ALI IMAM:—"Sir, I support the motion that is before the Council, and that is that the Report of the Select Committee be taken into consideration. As you, Sir, have already ruled that anything as to what took place in that Committee does not arise, and that it should not be any more discussed, I shall absolutely refrain from referring to the remarks in regard to that part of the discussion that fell from the lips of the Hon'ble Mr. Vijiaraghavachariar.

"The Report of the Select Committee has been before the Council for seven days—it was presented on the 11th—and that Report, on the face of it, is a Report in reference to which the motion before the Council has been made. I submit therefore that, at this stage of the discussion, it is not at all necessary for me to argue beyond this, that as that Report has come before this Council in due and proper course, the motion should be agreed to."

The motion was put and agreed to.

The Hon'ble Mr. VIJIARAGHAVACHARIAR:—"Sir, I beg to move the amendment which stands in my name, namely, the addition of a few words to the new section 120A proposed to be added to the Indian Penal Code by clause 3 of the Bill:—'When two or more persons agree to do, or cause to be done firstly, an illegal act, secondly, an act which is not illegal, but by illegal means.' My first amendment is of a verbal nature. I have asked that the following words be added. Between the words 'persons' and 'agree' the words 'combine, engage and' should be inserted. When the words I wish to insert are this is how added the sentence will read:—'When two or more persons

combine, engage and agree.' The reason why I ask that these words may be added is simple, to safeguard against any possible misconception. There is no Statute law as to this branch of the Criminal Law in England, and these words which I ask to be inserted generally appear in text-books and decisions. And I would also call your attention to the speech made by the Hon'ble and learned Advocate General the other day, when he used words to the same effect—'combination, plotting, federation' and so forth. Such words occur in both decisions and text-books, the object of which would seem to be this, that it would call the attention of the persons who are charged with the investigation of this crime, and with the trial of persons who are charged with this crime, it would the better call their attention to what is intended and required by law. If you simply say 'agree' it is calculated to mislead one; let me take an instance. One man talks and another man holds his tongue, and their fact might be taken to be an agreement and a crime. I only say there would be a possibility of miscarriage of justice if you confine the law simply to the one word 'agreement'. Therefore, in order that there may be no possibility of misconception, we might introduce a number of words which are generally, what they call, 'collocated' or 'placed together' by English text-writers and decisions. If you put these words 'combine, engage and agree,' it would show that it is a federation, it is a combination, that the persons concerned resolve or take a vow to do certain things, and so forth, that is required by law. Therefore as I understand, my amendment does not interfere with the principle adopted in that sentence, namely, that no agreement should be arrived at after some consultation, and that the parties to the agreement should be found to have actually co-operated and arrived at an agreement, and that there might be no mistake that the persons who were present were necessarily party to it. I need hardly call Hon'ble Members' attention to the fact that there might often be a group of persons engaged in conversation; one or two persons might agree on a subject; one or two persons might not agree but they might not say so, or some persons might even say something which might be misunderstood as an approval while it was the very reverse.

"What I wish to press, according to my view of the English law, is that the agreement must amount to a resolution; it must amount to a combination discussion, preparation, and a final adoption by the persons who agree in order to arrive at an exact view of the question; especially as this is a new law and, as the Hon'ble Home Member has himself said, there are a lot of offences which are to be investigated by the Police without any previous sanction, it is just as well that the law itself should give some definite idea of what this new law here is in England, so that the investigators, for instance the Police in the case of the offences that need no sanction, and in the case of other offences Subordinate Magistrates who might be ordered to investigate before sanction is accorded by the Government, or persons other than the Police and Magistrates who might be asked to investigate with a view to submitting reports to Government or to the officers charged with the power of according sanction may all have their attention directed to what it is that they should investigate, and on what points it is that they should obtain evidence. In order to do all that, I beg to move this amendment. As I have already said it is more or less of a verbal nature."

The Hon'ble Mr. MANUK SUBAH DAS:—"Sir, when the Bill went before the Select Committee we had the word 'combine' and it was I who suggested that that word should be removed. The reasons which have been set forth by the mover of the amendment are that there should be certain other acts done before the stage which is called 'mental agreement' is arrived at. The law deals solely with that mental condition in which two men agree in their intention to do a certain thing. They might do a thousand other acts before they come to that point, which for convenience sake I may call 'mental unison.' He says they might discuss, or do anything, they might discuss, they might correspond, they might travel by rail, they might whisper into each other's ears. Those are things with which the law has nothing to do. In fact we are losing sight of the real element of criminality in this. Men's intentions, Sir, are never triable.

"One of the best Judges, Sir Frederick Pollock, said 'the mind of man is not triable for (I don't use the word though the Judge used it in Court) the angel even does not know man's mind.' As long as he entertains or cherishes an intention the law cannot reach him. If I were to entertain an intention to murder a man and even go and declare to the Judge that I harbour such an intention the law cannot reach me, because the only forum before which a man's intention is triable is his conscience. I suppose many Hon'ble Members here know that the great actor Garrick said that when he played Richard the Third he felt as though he was a murderer, yet no Judge would have thought of hanging him so many times because he must have played Richard the Third several times. The real thing is when that man's intention is communicated to another person then he at once comes within the clutches of the law. As soon as that intention is communicated, the law calls him an abettor. When the person to whom his intention is communicated agrees with him to do the same act they are called conspirators and that becomes a conspiracy. An abettor may not agree to do the thing, and yet the abetment is punishable; but when the man abetted agrees then only it is a conspiracy. It is that which it is sought to make punishable under the law. Consequently under those circumstances really to take notice of anything that precedes that state of mind is not within the intention or the object and purview of the law before us. The Hon'ble mover has made some reference about the investigating police-officer. Which would be an easier thing for a police-officer to prove? Would it not be easier for him to say that these two persons were travelling in a carriage? That is combination. Whereas the fact of mental agreement would be a more difficult thing for the police to prove. So the Hon'ble mover is actually losing sight of the object he has in view by proposing the amendment, which is just the one that would defeat the object he has in view. On those grounds I oppose the amendment."

The Hon'ble BABU SURENDRA NATH BANERJEE:—"Sir, I must express my astonishment at the speech of my Hon'ble friend behind. The whole drift of that speech seems to me to support the amendment of my Hon'ble friend Mr. Ashariar. My Hon'ble friend behind says that intention is not an offence, and certainly it is not according to the law of England; but if intention is not an offence something more is needed. What that something more is is supplied by the terms of my Hon'ble friend's amendment. There must be combination, there must be confederation, there must be an act of agreement; and my friend puts in words which suggest that these must be constituent elements of the offence. Let me, Sir, in this connection, read an authority whose weight, I think, everybody—the lawyers round this table—will recognise. The book I am reading from is the Outlines of Criminal Law by Dr. Kenny. Now let us hear what he says with regard to intention.

He says 'there must be an act of agreement to constitute criminal conspiracy.' He goes on to add 'it must not be supposed that conspiracy is a purely mental crime, consisting in the mere concurrence of the intention of the parties.' There as everywhere in our law, bare intention is no crime. 'Agreement,' says Lord Chelmsford, 'is an act in advance of intention, which each person has conceived in his mind. It is not mere intention but the announcement and acceptance of intention by bodily movement, by word or gesture is indispensable.' Now if my Hon'ble friend's wording was accepted, it would put the matter beyond all doubt—that there must be an act of agreement, an act of agreement of such a form that there can be no doubt as to the intention. He puts in words which I think make the matter as clear as it can possibly be. I hope and trust that the Hon'ble Member in charge of the Bill will accept the wording of my Hon'ble friend."

The Hon'ble Mr. KENRICK:—"Sir, the proposed amendment is to introduce the words 'combine and engage' before the word 'agree.' To adopt this amendment would be to introduce a surplusage into the Bill; a surplusage possibly appropriate in an indictment, but certainly inappropriate in legislation. Not only are the words pleonastic, but they might also introduce an element of ambiguity. If the words 'combine and engage' were introduced it might be supposed that there was some additional element of combination, or engagement or confederation, essential to the offence of conspiracy. Whereas the law in this: that the *corpus delicti* in cases of conspiracy is mere agreement with intent to do an illegal act. The Hon'ble Mr Surendra Nath Banerjea, a few moments ago, quoted a statement in a judgment of Lord Chelmsford, which fully corroborates what I have just said. If authority were necessary for the drafting of this present legislation, authority there is of the highest, in abundance, and unanimous authority. I will only refer to O Connel's case, in 1844, in which the opinion of all the Judges of England was given before the House of Lords in a conspiracy trial. There it was laid down in terms by the then Chief Justice of the Common Pleas, that 'the crime of conspiracy is complete if two or more than two should agree to do an illegal thing.' Then, in another case some twenty years later, the case of the Queen against Mulcahy, the prosecution of the Fenians for conspiracy, the Judges were again called in to give their opinion in the House of Lords. It was again definitely pronounced that 'a conspiracy consists in the agreement of two or more to do an unlawful act or a lawful act by unlawful means.' Again, in the case of the Queen against Parnell and others, in 1881, where the whole doctrine of the Common Law of Conspiracy was considered at very great length, the definition which had been given by the House of Lords in the two cases that I have already cited was cited, discussed and approved. And, finally, the greatest draftsmen of recent years—Sir James FitzJames Stephen—in his Digest of Criminal Law adopted the same phraseology which was used in the judgments of the House of Lords, and which is used in the present Bill, defining conspiracy as 'an agreement between two or more persons.' So that, as I have said, the use of the word 'agree' in this clause of the Bill is supported by the strongest possible authority, which is unanimous, and a better precedent could not be found than the one we have followed. I, therefore, submit that we should be wrong in introducing words which only tend to possible complication of argument and constitute mere surplusage."

The Hon'ble Mr. SYED ALI IMAM:—"Sir, the amendment proposed by the Hon'ble Member is either intended to narrow down the scope of the proposed section 120 A, or to add to it words that are merely superfluities. If it is the latter it is an attempt at artistic embroidery, and I will advise the Council in matters of drafting not to take such an ambitious course as this. If on the other hand the Hon'ble Member desires that the clause should be narrowed down to mean something other than what the word 'agree' there indicates, I say that it cannot be agreed to, because it is against accepted principles. Therefore, in either case this surplusage has to be abandoned. If it is an attempt to modify the meaning of the clause I shall show that it is, if not an equal, perhaps a more dangerous course. Various authorities have been just now quoted by the Hon'ble the Advocate General to show that lawyers of great eminence have used the word 'agree,' and that word alone whenever they have attempted to express the sense of association and continuation in defining 'conspiracy.' But to add to the word would be to take away from the simplicity of it. It is an accepted canon of drafting that the language of the law ought to be clear, and that there should be no confusion arising if an interpretation is to be given to it. What is therefore the object of this amendment that has been moved? Is it to give a meaning to the word 'agreement' somewhat clearer than has been given by all those eminent lawyers in England, or is it to narrow it down? A clearer meaning could not be given. It is a simple word, it is well understood, the meaning of it has been properly explained in the various expressions of opinion given by eminent Judges in England. Under these circumstances is it safe for the Council to accept this amendment, either on the ground that it is a decoration or on the ground that it narrows down the meaning that has been given to it by eminent Judges in England? On either of these two grounds I submit the amendment could not be accepted. There is a further objection to our adopting any such course as has been suggested by the Hon'ble Member and that is this. We have the word 'conspire' in the Indian Penal Code in section 121-A. We have the word 'conspiracy' used in section 107 of the Indian Penal Code. Those words have themselves been the subject of criticism in cases decided in our own Courts here in India and it seems to me that when we are defining the word 'conspiracy' in this clause of the Bill we would be embarking upon a dangerous course if we were to add any such embroidery or restriction as the amendment proposed by the Hon'ble Member implies."

The Hon'ble Mr. VIJIARAGHAVACHARIAR:—"I thought the nature of my amendment was such that it could have been met by an extremely judicial temper. I did not expect so much eloquence in matters of mere grammar, matters which involve no principle but which are directed to the better understanding of the principle of the Bill. The point here is about the word agreement. An agreement, if we have regard to the nature of a contract, implies a proposal from one person and acceptance by another person and correspondence before the acceptance, what we call the negotiation stage and so forth. The anxiety on the part of the Hon'ble the Law Member seems to be to give to the phenomena at once too much and too little. Perhaps it is better to leave the people who are likely to fill up the evidence to prove this new offence as absolutely ignorant as possible. If you leave this clause alone with the only word 'agree,' I am pretty certain that under a little cross examination the dunderhead of the head constable will break down and the man accused will be acquitted. All that I say is that words such as 'complete federation' and so forth which the Hon'ble the Advocate General has introduced in his own speech would do immense good in this sense. The Hon'ble the

Advocate General has virtually supported me. He said that the words I suggest would be very appropriate in an indictment. Now Hon'ble Members know what an indictment means. It is called here a charge. It is the instrument which the Magistrate after hearing the evidence frames against the accused party. Now will the Hon'ble the Advocate General say that, in framing a charge or an indictment, if the law itself is silent and does not contain the words I propose or any other words to explain and define what the agreement contemplated is, these or similar words will be introduced in India? This is a new law in India. Our Judiciary have not got the traditions of the English Judges. They cannot closely study and follow their numerous and even apparently confusing decisions. Will a Subordinate Magistrate, in an out-of-the-way place, or even a 1st class Magistrate in a town look to the decisions or text-writers in England in framing an indictment and put more and different language into the indictment than is found in the law? I am astonished, or to use the Hon'ble the Advocate General's own language against me, I am amazed when he says, leave the Statute alone, but go to the Magistrate's indictment for what you want. This is an extraordinary way of meeting the amendment. I think by doing so it is clear he is virtually giving up the case which he meant to espouse on behalf of Government. The Hon'ble Mr. Das seemed to think that if you tell a policeman more it would be dangerous. I quite agree with him and would fain leave the fellow as ignorant as possible. I have known policemen conceiving evidence to the effect that after a man's neck was cut, he said 'So and So cut me.' The meanest medical man would prove that if the man's neck was cut in the way it was he could not speak. These fellows who concoct evidence without knowing a bit of medical jurisprudence or law help, in a sense, the cause of justice. Is that the object? Mr. Das virtually says, 'don't tell the policeman more' and let him somehow or other find out how and whether the men concerned agree. But how is the policeman to find out the agreement? That is the point. What is to be done that will enable the policeman to find out the agreement? If one man speaks and another is silent, is that an agreement? I find no answer in the learned speeches made in opposition to me.

"In all these circumstances I do appeal to the Council to say whether or not the word 'agreement' as it stands would not include silent men as criminal conspirators. No answer has been forthcoming to my simple question; the simple question is, how is any one to find out whether an agreement has been reached. What is it that will tell one that all the persons present approved of any matter talked about? What is there that will tell anybody, a Court or a Magistrate, or an officer, or the Government in giving sanction, to show that the number of persons grouped together were all of one mind, were all parties to a criminal intention. I said that we should have some tangible thing to catch hold of, and I am opposed and told to leave the words as intangible as possible. It is this, Sir, which will increase the dangerous nature of this Bill, and I shall, therefore, be obliged to press the amendment. The Hon'ble the Law Member has advised the Council not to adopt my amendment: he is able to advise the Council. I am not in a position to advise the Council, but I may and do beg and pray that they will pay attention to all my observations in common fairness and vote for my amendment."

The amendment was put and negatived.

The Council adjourned to Tuesday, the 18th March 1913.

DELHI,
The 31st March 1913.

W. H. VINCENT,
Secy. to the Govt. of India, Legislative Dept.

(Republished by order of His Excellency the Governor in Council.)

L. DAVIDSON,
Ag. Secretary to Government, Legislative Dept.

The Council met at the Council Chamber, Imperial Secretariat, Delhi, on Wednesday, the 19th March 1913.

PRESENT:

The Hon'ble Sir GUY FLEETWOOD WILSON, G.C.I.E., K.C.B., K.C.M.G., Vice-President, *presiding*,

and 64 Members, of whom 58 were Additional Members.

THE INDIAN CRIMINAL LAW AMENDMENT BILL.

The Hon'ble Mr. VIJIARAGHAVACHARIAR:—"Sir, I beg to move the amendment of section 120 A. I move the first part, but as regards the remarks I wish to make on this it is just as well that I should call the attention of the Hon'ble Members to the next two following amendments also standing in my name, namely—"

The PRESIDENT:—"Order, order. The Hon'ble Member will have to limit his remarks to this particular amendment unless he is prepared to withdraw the other two. He cannot take the three together."

The Hon'ble Mr. VIJIARAGHAVACHARIAR:—"I agree Sir. I am not moving the other two amendments, but my remarks upon the first would be more intelligible and would be better understood if I address my remarks upon all the three. I will not move them all now. I will move the first amendment, but the remarks I am going to make will be, not only relating to this amendment, but also somewhat relating to the other two amendments, and I won't allude to these remarks again when I move the other amendments."

The PRESIDENT:—"The Hon'ble Member must limit himself strictly to the amendment which is before the Council, and that is No. 25 on the notice paper. If he intends to ask the permission of the Council to withdraw the other two, he can make his remarks which would cover the other two on that one; but if he proposes to move the three Resolutions one after the other, then he should limit his remarks to each Resolution in turn."

The Hon'ble Mr. VIJIARAGHAVACHARIAR:—"The amendment I wish to move relates to sub-section (1) of the same section (section 120A), and is that for the words 'an illegal act' the words 'to commit any of the offences made punishable under sections 122, 123, 124, 124A, 125, 130, 131, 132, 136, 134, 135, 136 and 138 of the Indian Penal Code, or any offence notified in the Gazette of India under sub-section (3) of this section,' be substituted.

"I have to explain at all events what I mean by 'any offence notified in the Gazette of India under sub-section (3) of this section.' I have to explain to the Council what I mean by that. I do not think I shall detain the Council very long. My object is that the proposed conspiracy, that is offences created by the new law, may be confined to certain serious offences made punishable under the Indian Penal Code, and under the Indian Penal Code alone. As the proposed law now stands, I need hardly repeat my statement that it embraces three classes of actions, that is to say, conspiracies to commit an offence, conspiracies to commit an illegal act not amounting to an offence, and conspiracies to commit a legal act but by illegal means.

"These are the three classes of offences constituted by the proposed law. The first of these conspiracies, namely, conspiracies to commit offences may, for the purposes of my amendment, be divided into two classes, because under the Indian Penal Code the word 'offence' as defined is not only an offence made punishable under the Penal Code, but also be any local law and by any special law. My amendment, therefore, excludes conspiracies to commit three sets of acts, namely, conspiracies to commit illegal acts, conspiracies to commit legal acts, but by illegal means, and also conspiracies to commit offences other than certain serious offences under the Indian Penal Code. That is to say, it limits the new offences to conspiracies to commit certain serious offences punishable under the Indian Penal Code. In my amendment I propose to contract greatly the volume of the actions designated as objects of conspiracy under the proposed law. I have already called the attention of Hon'ble Members in the remarks I made when the Bill was introduced and the motion referring it to Select Committee was put, to the origin, nature and scope of this branch of common law in England. I also pointed out on that occasion that the common law as it prevails in England, and as it is administered in England, is greatly different from the common law as it is proposed to be introduced in India. Whatever may be the common law in England, I said that not being a Statute law, but being entirely construed, moulded and administered entirely by Judges, it is adapted and varied to suit any circumstances—an observation which far from being contradicted on the other side derives corroboration from the very high authority of the Hon'ble and distinguished Advocate General. He says the same thing; that this branch of the common law of England though centuries old has been moulded and adapted to local circumstances by Judges. That being so, the question is—now that we are making a statutory law of it,—what follows? As statutory law our Judges and our Magistrates will not have the power to go behind the law: they will simply interpret the law in legal language—they cannot go beyond that and examine the policy of the law, or say that they will apply it in a special manner in a particular case. I have already drawn the attention of the Hon'ble Members to the fact that in England Lord Ellenborough declined to apply the existing conspiracy law to a number of people who combined to commit criminal trespass upon another man's field, namely, by sporting on it. There were not the two elements, that is immorality and injury to the public, and though the case was matter which might furnish a basis for a civil action he declined to say that a combination to commit a civil action under the particular circumstances was a conspiracy. Lord Halsbury approves of the decision, and says that this is sound law. It is important to remember that in the 'Laws of England' by

Lord Halsbury the date is given in each volume. Now in this volume from which I am going to quote the date given is August 10, 1908. Therefore the observation made relates to the law as it was in force up to August 1908. The decision in R. *versus* Turner was on doubt disapproved in R. *versus* Rolands on the ground that the facts in R. *versus* Turner amounted to conspiracy to commit an indictable offence. But, observes Lord Halsbury, in R. *versus* Rotands, no question was expressed on the dictum of Lord Ellenborough. What I mean is this: the disapproval did not relate to the proposition of law maintained by Lord Ellenborough; but the disapproval implied that he was wrong in saying that the facts in the particular case did not amount to an indictable offence. And so the distinguished author of this book says that the proposition of law in R. *versus* Turner, namely, that people going into another man's field for the purpose of sport without the man's consent would certainly not be guilty of an indictable offence in England, although the act would be matter for a civil action; but the combination to sport upon another man's field without that man's consent would be an indictable offence under the proposed law here. There is no remedy for it. There is one instance among many I shall cite. I will recall to the attention of Hon'ble Members another observation I have already made, that is, that the criminal branch of this common law in England could not easily be codified. I alluded to an observation made by the Commission that unless this branch of law was taken to pieces, and a reconstruction made out of the materials, reform was impossible. Now you will easily agree with me that this law is not worth importation into this country from the above fact and also from the fact that this conspiracy law has been codified in England in so far as employers and workmen are concerned. Employers have immense powers there, and employers and workmen have saved themselves from the operation of the conspiracy branch of the common law, and they have now a Statute applicable to them. Thus the conspiracy branch of the law is no longer applicable in England to confederacies by workmen and to confederacies by employers. They have saved themselves by a special Statute. The gist of the offence of conspiracy is this, that whereas acts done by a single individual or by individuals are not necessarily criminal even though improper, yet the same acts, when agreed to be committed by a plurality of men acting in concert, become conspiracies as then the danger to society arises—that is the gist of what is called Conspiracy Law. In the case of the Statute applicable to employers and workmen in England, that principle is taken away so that the law is much less rigorous and much more guaranteed to safeguard organizations among employers and employed in England. Combinations to keep down wages, to compel workmen to continue to work on the same wages, and as a counterblast to strikes by them are no longer offences. On the other hand, strikes by workmen, combination by workmen to raise wages to better their condition, and things of that sort have also been removed from the purview of the common law in England. Now what have we here corresponding to the law applicable to employers and workmen in England? None. In England, employers and workmen have power; they have secured immunity from the common law of England notwithstanding that Judges, great Judges, are adapting the common law to the needs and circumstances of modern conditions. But what have we here? There is no such provision, no safeguard: organizations of employers and workmen in this country where industry is in an infantile condition are absolutely new; at the same time they have no such protection as have been secured by employers and workmen in England. As the law will now stand our merchants, manufacturers and workmen have absolutely no protection similar to that accorded in England, hence I submit that this measure, which indeed is a law which is intended to affect all classes of people, needs examination, scrutiny and criticism by the public. This has been for some reason or other not allowed in the present instance. Therefore I beg Hon'ble Members to proceed with this instalment first, namely, that the proposed law may at first be confined to what are called State offences and offences against the Army and Navy, and such other offences as Government might think to be of a political nature. I have already said that there is absolutely no connection whatever between the proposed law and what is called the existing political situation. It may be our standpoints are different. While I adhere to that view, I propose this amendment as a sort of compromise. I do not recede from the position that the political situation, whatever it may mean, does not stand in any need of such law; but in the nature of a compromise I propose this, as several distinguished colleagues of mine among the non-official members believe that this is very necessary to meet the present political situation, as they say: in view of this feeling I have proposed this. Dealing as it does with State offences, with offences against the Army and Navy and of a political nature, and if this will enable Government to meet the present political situation, I do not wish to stand in the way of its securing a law to that extent, and to that extent only and no more, if the present political situation really demands such a law. Then I have added that Government might have power from time to time to add to the list of offences which I now propose in the amendment, such offences as in its wisdom it considers to be of a political nature. Suppose we have dacoities taking place and Government came to the conclusion that they are not ordinary dacoities, that they are not what I may call hunger dacoities, but what I shall call political dacoities; if Government comes to the conclusion that certain dacoities are committed for the sake not of hunger but to terrorize the people and to make them join in a political conspiracy, or to get money for any political purpose, the border line between such offences and what are actually called State offences may be very little; I leave the discretion to describe such offences as political to the Indian Government. So my amendment gives power from time to time to the Indian Government to add to the list of these offences, offences against the State and the Army and Navy, such other offences as it may deem proper to designate as political offences. Thus, I submit, must be absolutely satisfactory if the Government means at this time that additional power is a political necessity, and if Government means exactly what it says, and if there is nothing more behind, this amendment must satisfy them and all persons who think it is their duty at this crisis thus to arm Government. With these words, I leave my amendment in your hands."

The Hon'ble MALIK UMAR HAYAT KHAN:—"Sir, I divide what I am going to say into two parts: First, the requirements of the country from the ordinary point of view. Second, well, the present law as used in India is taken from the Roman law and it was taken in England. People, I believe, were in a certain stage of development. This law has been devised for India. It was done by the English people and done on this present basis. That is the law we have been hearing discussed here. I think that law is suited to these countries. In a poor country like this we have to devise our own laws for certain particular times. I always hear the police being run down because they don't help the public. The law does not suit our requirements. If a man is to give evidence he has to go through three different Courts. There are able lawyers who after cross-examination break down his evidence at

ores. Under the ordinary law the evidence of people can easily be broken down. I think if this Conspiracy Law comes in, it will be just the same. In this country I think neither the police are to blame nor the public. Why should we have such laws as do not suit our requirements or the requirements of our country? Why should we discuss English law and Roman law and those things which happen in England? They do not happen here. We want it for such things as happen here. That is what we are trying for now. I think anything which relates to England, Rome, and perhaps Russia, does not suit me. That is why I oppose this amendment."

The Hon'ble BABU SURENDRA NATH BANERJEE:—"May I be permitted to call attention to the fact that the amendment which stands in my name practically covers the same ground as the amendment of my Hon'ble friend?"

The PRESIDENT.—"Order, order. When you come to your amendment, you will be able to deal with it."

The Hon'ble Sir REGINALD CRADDOCK:—"Sir, I am afraid the Government cannot possibly accept the amendment proposed by the Hon'ble Member. His amendment is that in place of the words 'an illegal act,' should be substituted those sections of the Indian Penal Code which relate to offences against the State and against the Army and Navy. He refrained entirely in pressing this amendment from justifying or explaining why conspiracies should be confined only to these offences and not to serious crimes of a general kind. He gives no reason why he would not include such crimes as murder, robbery, arson and all the other serious crimes which are to be found in the Indian Penal Code. What he did do was to stray somewhat from his subject, and inform us that in England legislation had been enacted to save from the conspiracy laws combinations of workmen to secure higher wages, and so forth. He strayed in fact from the illegal act which was in the clause, and which it was his proposal to delete, to the second part of the section which deals with legal objects to be attained by illegal means. On that second point there are other amendments on the agenda, in speaking to which it will be possible to discuss the question of these other acts which are not offences, and as to the reasons why they should be included in this law. But I would only remark that, if at any time after this law were passed, it should be found that there were organisations of employers or of servants which were formed and managed on lines similar to those in England, no doubt at that time similar measures might be taken to provide for such exceptional cases: at present they do not exist. I would prefer at this stage to confine my remarks simply to the strict lines of the Hon'ble Member's amendment, which is that, in place of the words 'an illegal act,' offences against the State and the Army and Navy alone should be made conspiracies. When I introduced the Bill into the Council, I explained carefully that it was not merely in the interests of the State that it was proposed to amend the law relating to conspiracies. The interests of the State were no doubt concerned, and the fact that conspiracies of a political nature have been abroad in the land was true, and even since the day that I introduced the Bill fresh papers have come into the possession of Government on the same subject. It is true that there were and are such conspiracies, and that the State also will benefit by the enactment of this law. But the main object of this law, as I explained at length in Council on that day, and as I understand Hon'ble Members fully grasped, was that there was a gap in our criminal law, and by means of that gap criminals were able to plot together to commit the most heinous crimes with impunity, unless they proceeded to carry out the crimes themselves or do some overt acts in pursuance of those crimes. The amendment, therefore, which the Hon'ble Member has proposed, will strike at the roots of the whole Bill the principle of which was approved in the Council, and would emasculate it entirely. It would not fill the gap on which I have laid so much stress, and to fill which I understand the Council fully acquiesced was a necessary measure.

"For these reasons, Sir, Government cannot possibly accept the amendment proposed by the Hon'ble Member."

The Hon'ble MR. VIJIARAGHAVACHARIAR:—"The Hon'ble the Home Member says that I gave no reasons. I confess that I could not be longer and give more reasons than I have been able. Strong opposition is only possible where there is stamina for an attack. You cannot cut a hair with a big sword. Now I wish to know what are the reasons given for the inclusion of the clause in this Bill. Where no reasons are given it is extremely difficult to assign many reasons by way of opposition to a measure not based upon much reason. All that the Hon'ble the Home Member said was that modern conditions and dangerous conspiracies require this drastic measure, but beyond that absolutely no reason has been vouchsafed to me or to the Council as to how the existing law has been found insufficient to cope with the alleged situation. I asked for information over and over again, and no information has been vouchsafed to me. Now the one important reason I gave in this. If this is intended to fill up a gap which has existed in a law nearly a century old from its conception and origin and over fifty years old since it was matured and completed, I ask why could not we wait a few months more, take the country into our confidence, circulate the Bill and ask for information and opinions? Why should we not adopt the usual method of procedure adopted in legislation? No answer has been vouchsafed up to this date, and yet the Hon'ble the Home Member says to-day that I have brought forward no reasons for confining the law to the most serious offences and excluding these other offences and acts. I have distinctly stated in my remarks, as well as I was able, that I want to limit the operation of the measure in view of a feeling generally existing among my Hon'ble colleagues, especially the non-official members, that it is necessary to arm Government with additional powers just now. Now I said that is justice to them and in view of their feeling, that I have introduced this amendment. I cannot give a greater reason than that.

"As to the other portion of the reasons, it is extremely desirable in all civilised countries that no legislation should be sprung like this upon a people. Among the fundamental principles of legislation from the days of the Twelve Tables is the doctrine of promulgation; and with this doctrine of promulgation is closely connected the important doctrine that ignorance of law is no excuse by way of defence for the commission of an offence. Now what happens if you pass this Bill to-day? To-night you can have up and punish a man for conspiracy at Tuticorin. How are people at Tuticorin to know the law, unless there has been sufficient previous promulgation? Promulgation implies a lot of circumstances, among which are publication, circulation and free public discussion before a measure becomes law. You pass this law to-day and to-morrow a policeman at Tuticorin, or at the extreme eastern end of Burma, could arrest people for conspiracies as they will be liable from the day on which the law comes

into force. Where is the principle of promulgation here? The very alphabet of the fundamental doctrine of promulgation is violated in springing laws of this kind upon thirteen four hundred million people who belong, under God's providence, to His Majesty King George. I ask you to limit and to confine the law to meet the alleged political situation; and as to the rest, to wait for a little and to take the country into your confidence. And the Hon'ble the Home Member says that I have given no reasons. Sir, in my conscience I have given reasons which satisfy me."

The amendment was put and negatived.

The Hon'ble Mr. VIJIARAGHAVACHARIAR:—"Sir, I beg to withdraw the next amendment, namely:—

'That in sub-section (2) of the same section (120A) for the words "an act which is not illegal by illegal means," the words "to overawe by criminal force, or show of criminal force, the Legislative or Executive Government of India, the Government of any Presidency or any Lieutenant-Governor, or any public servant in the exercise of the lawful power of such public servant" be substituted.'

"It is more or less consequential upon the first amendment that is intended to give additional power to Government. I, therefore, beg to withdraw."

The PRESIDENT:—"The amendment standing in the name of the Hon'ble Mr. Vijiaraghavachariar is by consent withdrawn."

The Hon'ble BABU SURENDRA NATH BANERJEA:—"Sir, I have the honour to move—'that in the same section for the words "an illegal act" in sub-section (1) the words "any offence against the State other than that provided for in sections 120 and 121 A of this Code, or any offence against the Army or Navy," be substituted, and the word "or" in sub-section (1) and in sub-section (2), the proviso and the Explanation, be omitted.'

"Sir, the object of this amendment is to confine the scope of the Bill to offences against the State and against the Army and the Navy. Sir, it will be in the recollection of Hon'ble Members that when this Bill was discussed on the 6th of March last, some Hon'ble Members who supported the Bill—I think I may mention the names of the Hon'ble Mr. Jinnah and the Hon'ble Mr. Sita Nath Roy—held that the measure ought to be confined to State offences, and to be limited to a definite point of time. I do not go so far as that. I accept only the first part of their suggestion. Therefore, Sir, looking at the matter from that point of view I claim that my proposal is a modest one, more moderate than what some of the supporters of the Bill have proposed. Sir, it has been said in the Statement of Objects and Reasons that experience has disclosed the existence of dangerous conspiracies. Now, Sir, if there are these dangerous conspiracies directed against the safety of the State, I am sure they would be matters of the gravest public concern, and any reasonable proposal to cope with the situation and treat it as a tentative measure would, I am quite sure, meet with the unanimous support of public opinion. But, Sir, no evidence whatever has been laid before us to show the existence of these dangerous conspiracies. Nevertheless, inasmuch as this Council has accepted the principle of the Bill, we must deal with the situation such as it is, and my amendment is in the nature of a compromise on the part of those who are opposed to the Bill, opposed to its principles and opposed to its details. Sir, the Hon'ble Home Member, in introducing the Bill, referred to the dacoities in Eastern Bengal as justifying the ample scope given to it. Sir, speaking as a native of Bengal, I say this, that we deplore these dacoities. I would even go further than that, we are ashamed of them. They constitute a reflection upon the peaceful and law-abiding character of our people. We are the greatest sufferers from these dacoities; our countrymen, our kinsmen, our friends and relations are looted, plundered and sometimes murdered. We would do anything to suppress them, and if the Government could bring forward a reasonable measure for the suppression of these dacoities I am sure public opinion in Bengal would hail it with acclamation. But, Sir, is the Hon'ble Member in charge of the Bill quite sure that if the Bill be passed into law the police will have been provided with an effective remedy for the suppression of these dacoities? I think, Sir, if we analyse the situation, we should be precluded from indulging in this somewhat pleasant anticipation. Overt acts have been committed in the full blaze of publicity—dacoities cannot be committed in secret—and the culprits have not been traced. And now you propose to enact a law which will make, not overt acts, but the designs to commit dacoities which are secret things, and the combinations to commit dacoities which are also secret things, punishable, and you hope with the aid of this law to ferret out the conspirators and their secret dens. The overt acts elude the gaze of the police, but armed with this law, it is expected they will be able to discover the conspirators and their designs. It seems to me to be altogether a vain hope. The overt acts are not brought home to the culprits, but the designs which are impalpable, invisible, ideal things are now to be discovered with the aid of this law. Sir, Parliamentary Statutes can no more make men moral than a law of this kind is likely to invest the police with greater efficiency than what they now possess. I am reminded in this connection of a beautiful passage in Burke's Reflections on the French Revolution, where the great orator refers to the newly elected members of the French National Assembly. Speaking of them he says that the mere fact of their being members of that Assembly did not confer upon them gifts which nature had not bestowed upon them with her ordaining hand. Sir, you may exhaust the resources of your legislative wisdom, pile weapon upon weapon, and you will not have sensibly added to the efficiency of the police. It is not a new law, but greater detective ability that is wanted, and if the police could detect even a sensible proportion of these crimes and punish the offenders, I am quite certain that these dacoities would be reduced in number and gradually disappear. But I have heard it said, said with some show of reason, and said with absolute show of confidence, that dacoity is about the safest crime to commit in Eastern Bengal. A law of this kind is not what is needed to cope with the situation, and as it seems to me to be associated with powers which may prove formidable weapons in the hands of unscrupulous men, I think it is the duty of us patriotic citizens to restrict its scope as far as we may.

"With these words, I venture to move the amendment which stands against my name."

The Hon'ble Mr. SYED ALI IMAM:—"Sir, the amendment proposed by the Hon'ble Mr. Banerjea goes to the very root of this Bill, and it seems to me that, if this amendment were accepted, we should be practically wrecking the whole Bill. The Hon'ble Mr. Banerjea has, in his criticism of this measure, and in support of the amendment that has been put forward, said that the offence of dacoity is a grave one, and that the dacoities that have been committed in East Bengal have reflected a great deal of discredit upon our country. The Hon'ble Member has very rightly deplored the state of affairs at present existing in Bengal and elsewhere. In that sense of shame to which he has alluded, I take a

share, and I venture to think a very large share; but I feel that the mere sense of shame or self-abnegation is not of very great help to us in really coping with the situation. We have to consider as to whether or not it is possible for this Council to do more than merely deplore these unfortunate occurrences that have taken place in Bengal. The Hon'ble Mr. Banerjee does not stop there. He suggests—and from his point of view he thinks that the suggestion is sufficient—that the Bill should confine itself to only such aspects of crime as have already threatened the country. He therefore thinks that the deletion of the words that, in the clause relate to conspiracies that have for their object the commission of an illegal act, or a legal act by illegal means, is justifiable, inasmuch as he thinks it is premature to embark upon legislation of this kind. He goes further and he says that, not only the deletion of those words is necessary, but also that the conspiracies under consideration should be confined only to such offences as are somewhat loosely termed of a political nature.

"I feel satisfied in my mind that the Hon'ble Member is anxious to give us help, but is doubtful as to the exact extent to which he should accord his support to the Bill. I should be failing in my duty if I did not place before the Council certain considerations that strike me as exceedingly relevant to the conspiracies under discussion and covered by his amendment. I venture to think that deceity or murder—heinous crimes as they are—do not exhaust the list of crimes that may be the object of such conspiracies as have arrived at a determined resolution to make administration impossible. It is not really so much the gravity of the substantive crime which really is the issue before the Council. It is the question of combination which is the real element of difficulty before us. Whether it is murder or any other offences that are so many offences affecting the human body, whether it is deceity—or any other offences that relate to property, or there be offences which do not even relate to these things, that is either the human body or property, but relate to other rights—for instance, religion or public tranquillity, and various others that matter so much as the combination to commit them. Well now, if the only standard were the heinous nature of the substantive offence, there would be a great deal of force and strength in the remarks that have fallen from the Hon'ble Mr. Banerjee. But the crux of the whole question does not lie in the nature of the crime which is the substantive offence, it lies really in the question of combination. For instance, if for one moment we were to examine the question in this light—that a combination exists, and that combination has for its purpose an offence which is neither deceity nor murder, such a combination as that, it is conceivable, can make administration impossible. Of late we have had some evidence of the character and force of combination. If there be a strong combination to commit a very simple offence, such a simple offence as, for instance, defiling the supply of drinking water, it is impossible to exaggerate the gravity such a conspiracy may develop. Supposing there was a strong combination, and a number of misguided young men were determined anyhow to bring about an intolerable state of affairs in regard to an important supply like this—a supply of good drinking water to a town—they would thereby by the mere combination, be not only committing what is after all not a very heinous crime in the Code, inasmuch as though it is cognizable by the police, but is punishable by considerably less than two years of imprisonment, but by the combination itself they would make the prevention of the commission of the principal offence itself almost a hopeless task. The gravity of the offence of conspiracy does not so much lie in its object or the character of the crime which is its object, it lies in the matter of combination, and that is the difficulty with which we are concerned. We thankfully receive the help that Mr Banerjee gives us by conceding that there is need for putting a stop to combination for murder and deceity. We say, on the other hand, that there is also a need of action of the same sort, not only in respect of murder and deceity, but in respect of various other crimes that are in themselves very small: but when they are the subject of a combination, they assume proportions of a very grave character. Similarly, take the other aspect of the case, that is conspiracies that have for their object either an illegal act or some illegal means to effect that object even if it is legal. It seems on the face of it to be a very simple matter. It seems as if this Council was taking a leap into the unknown, that it was trying to force upon the country a law that is full of coercion. I submit there is no such thing at all so far as the provisions of this Bill go. Is there any offence more serious than combination? Take into consideration the case of a combination against an individual. If an individual is tyrannised by another, it is possible for him to cope with the situation; but when a number of men combine and the enemies of this man are multiplied, and a strong combination is made against him, then it has been found from experience gathered in all civilised countries that it is almost impossible for him to resist a combination like that unless the state comes to the rescue of the unfortunate man. The Bill should therefore be examined from this point of view. It is a law distinct in itself because of the matter of combination, and not because of the object of that combination so much. It is in that aspect that we have to regard this Bill, and from that point of view that the importance of the Bill as a necessary measure for the safety of the public has not to be considered. I may here also assure my Hon'ble friend Mr Banerjee that any sense of danger has been very largely set at rest by the protective provisions that have been introduced into this Bill. It was observed not very long ago when the last amendment was moved, that if to-day this Bill is passed, and if a conspiracy with an illegal object—illegal other than crime—is committed to-morrow, a man at Tuticorin might be arrested by the police. I venture to think that in that observation one aspect of the Bill has been completely overlooked—that is, that in such conspiracies as those, the Local Government, and no less than the Local Government, must first have given its sanction before a prosecution can be started; and that conspiracies of that kind under the Bill have been put completely out of the reach of the police. Therefore the public does not stand in any danger of being interfered with by the police; nor is it in the hands of any unscrupulous person to start a prosecution like this without permission from Government. Therefore the immunity that is secured by this Bill is very large. It is not that the Bill when passed will throw the country at once into the difficulties that on account of misconception I fear are apprehended. No real ground for such anticipations exists. Sir, it seems to me that if we were to take away from this Bill the very important provision regarding conspiracies with objects which may be legal but to be attained by illegal means or with objects that are illegal or if in any way the operation of the Bill with reference to such conspiracies as have offences for their object be reduced, in either of those cases we shall be taking away from the usefulness of this measure very largely, and I may remind the Council that on the first day when this matter was considered, this the real principle of the Bill was accepted by an overwhelming majority. Under these circumstances, Sir, I do not think that I can accord my support to the amendment that has been proposed by the Hon'ble Mr Surendra Nath Banerjee."

The Hon'ble Sir REGINALD CRADDOCK :—"Sir, I only rise to say that Government cannot possibly accept the amendment, which practically amounts to the same amendment as was negatived just now, namely, that offences of criminal conspiracy should be confined to offences against the State. I have already explained to the Council that the whole object of this proposed legislation is not merely protection of the State, but the protection of Society. It is obvious therefore that a limitation such as that proposed by the Hon'ble Member practically does away with the whole measure. With reference to two or three remarks made by the Hon'ble Mr. Banerjee, I should like to say, in the first place, that he has never explained why he is so anxious that conspiracy to commit serious offences should not be punished. He wishes us to limit it simply to those State offences, at the same time he tells us that the measure is useless; that the measure is of no advantage whatever in detecting crime. I have never said that this is a law of procedure which gives drastic powers for the detection of crime, but what it does do is that it will enable us to punish those conspirators when we have got them. We may not be able to catch them as fast as we should like to, but when we find that our law will not be able to punish them when we do catch them it is full time that we should amend that law.

"For these reasons, Sir, it is quite impossible to accept the amendment proposed by the Hon'ble Mr. Banerjee."

The Hon'ble BABU SURENDRA NATH BANERJEE :—"Sir, nothing could be more courteous or feminous than the observations of the Hon'ble the Law Member in reply to the remarks which I have felt it my duty to lay before the Council. We are grateful to the Government for the concessions which have already been made, and I will at once admit that they give us substantial guarantees in reference to the offences to which they apply. But, Sir, with reference to the more serious offences, cognizable offences of a grave character, the power of the police remains unrestricted; and it is here that we see danger. Sir, the Hon'ble the Law Member has told us that the crux of the matter lies in combination. A number of young men may combine for the purpose of defiling the supply of water to a town. I readily admit that that would be an exceedingly serious matter. I am not aware that any such attempt has ever been made; perhaps a report on the matter may have come from the Criminal Intelligence Department, and may be in the archives of Government, but so far as the public are concerned, we have never heard of any attempt of the kind in any part of India conceived and concocted by any one. Be that as it may, my contention is this, that you have not been able to detect overt acts; tangible, visible, palpable, committed day after day, night after night, before your eyes, your police have exhibited an extraordinary amount of inefficiency in dealing with these offences. And now you think that you might be able with the aid of this law to deal with combinations which may or may not be attended with overt acts, combinations confined to secret designs and the machinations of evil-minded persons. This seems to me to be altogether irrational and not justified by our knowledge of life and the experience of life. It is because I feel with all the weight of my conviction, and it is shared by a very large section of my countrymen, and it is because I feel that this Bill will be infructuous for the purpose for which it is intended, and may prove mischievous to the hands of unscrupulous and designing men, that I have felt it my duty to offer my opposition to it. Could I be persuaded for one moment that it would go even a little way towards the eradication of these conspiracies, towards the suppression of these deceities, I would have accorded by whole-hearted support, and would have asked my countrymen with what influence I may command to do likewise. It is because I feel that this Bill will be infructuous and even harmful, that we have felt it our duty to offer this opposition in this Council."

The Hon'ble Sir REGINALD CRADDOCK :—"Sir, I just want to remark that Government are perfectly prepared to take the risks of the measure being infructuous. The Hon'ble Mr. Banerjee need not be anxious about that point in opposing the Bill. I ask that the amendment be put."

The amendment was put and negatived.

The Hon'ble BABU SURENDRA NATH BANERJEE :—"Sir, I beg to move that in sub-section (1) of the said section (new section 120 A), for the words 'an illegal act' the words 'an offence' be substituted, and in sub-section (2) for the words 'by illegal means' the words 'by means amounting to an offence' be substituted, and the proviso and the explanation be omitted.

Sir, the object of this amendment again is to restrict the scope of the Bill. The word 'offence' is defined in the Penal Code. The definition of offence in the Penal Code is sufficiently wide. It is given in section 40 of the Code. It includes anything punishable by that Code or by any other penal Act. It seems to me that this is a sufficiently wide and liberal definition. Sir, in moving this amendment, I am following the lines of a recommendation made by a great authority whose name, I believe, has been quoted by the Hon'ble Member in charge of the bill in support of the measure, namely, Sir FitzJames Stephen. Sir FitzJames Stephen wrote an important Digest of the Criminal Law of England. It is a work of great authority, a standard work in which he indeed showed the lines of the future codification of the English Criminal Law. Sir FitzJames Stephen thus defined criminal conspiracy at page 28 of the Digest: He says 'when two or more persons agree to commit any crime, they are guilty of a misdemeanor called conspiracy, whether the crime is committed or no.' Therefore, I claim for my amendment that it is in accordance with the views of so great an authority as Sir FitzJames Stephen. Sir, I quite admit that the English law is wider, but I do not overstate the fact when I say that eminent English jurists have condemned the all-comprehensive character of the English law as regards criminal conspiracy, and the trend of modern parliamentary legislation has been distinctly in the direction of restricting its scope. Thus, for instance, by the Statute of 1875, to which reference was made by the Hon'ble Mr. Acharjar, combinations for trade purposes were withdrawn from the purview of the criminal law of conspiracy, and it has to be borne in mind that this was done not by a Liberal administration wedded to ultra-radical views, but by a Conservative Government under Mr. Benjamin Disraeli.

"Sir, if you do not confine the provisions of this Bill to offences, I ask, have you got the machinery for the trial of these cases? If conspiracies under this Bill are to range over the whole field of civil law, I ask where are the Magistrates to try them? Your Magistrates are familiar only with criminal cases. I do not think they will form competent tribunals to deal efficiently with cases of this kind. And, Sir, let not the impression go forth that a new species of offences has been created which the tribunals of the land are unable to deal with by reason of their want of knowledge and experience.

Such an impression, if it were to go forth, would be disastrous to the best interests of the administration, for it would give a shock to that sense of confidence which is justly felt in our judicial system.

"With these words I beg to move the amendment which stands in my name."

The Hon'ble Sir REGINALD CRADDOCK :—"Sir, in this amendment the Hon'ble Mr. Banerjee wishes us to confine the offence of criminal conspiracy to cases in which the objects of the conspiracy and the means to be employed constitute offences. In other words, if you want to persecute a man, in order to make him do something that he is not bound to do, you will be allowed to do so, provided that you take care that you commit no offence in doing so. There are many ingenious ways, short of criminal offences, by which men can be driven to abandon their rights in desperation. We have no desire to put a premium upon the ingenuity of would-be persecutors who wish to combine against an individual or against a class of individual to deprive them of their rights or to drive them to abandon their rights. The Hon'ble Mr. Banerjee has quoted Sir James FitzJames Stephen. I see also quote from the same eminent authority. He writes, 'There is more harm than good in telling people how far they may go in pursuit of an unlawful purpose without risk of punishment.' We have taken as our model here the English Common law, and we do not wish to depart from that model. We do not want to encourage persecution by indicating what persecution can be legally conducted and what cannot. We stand upon the definition of 'illegal' as defined in the Indian Penal Code. The law is the English Common law, and it will be interpreted and applied to individual cases as it has been interpreted and applied in England. It is not for us here to propound in this Council all sorts of legal conundrums as to what particular acts would constitute conspiracy or offences, or what would not. If we adhere to the English Common law, and to our own definitions as embodied in the Indian Penal Code, we shall be on the safest ground on which it is possible for us to rest. Our business is to see that combinations to do wrong are checked whenever they amount to a public danger, and we are legislating in this Bill to check such combination by a law which has stood the test of application and interpretation for centuries in England, and we are using terms which the existing law has adequately defined. Well-disposed and law-abiding persons need have no fear from this law. They are not the persons who desire to embark upon doubtful enterprises of the kind aimed at. If they are acting in a *bona fide* belief of their rights, they are protected; they have nothing to fear. The chances of injudicious prosecution have been reduced to the vanishing point by the provision that no such prosecution of cases in which offences are not concerned can be instituted without the sanction of the Local Government.

"Sir, I do not know how I can better describe the exact position than by the use of certain words of Hindustani which will be familiar to most of the Members of Council. The kind of persecution that you want to get at is that defined by the word so well known to everyone of 'zoolum'. We all know in India the term 'zoolum', oppression, 'zalim', the oppressor, and 'mazlum', the oppressed. Mr. Banerjee wishes to confine the operation of this law to that kind of 'zoolum' which is defined as 'juram' or crime. We want to keep it not at 'juram', but to embrace 'zoolum', which will cover all the kinds of persecution which this law intends to provide against, and which are well understood in this country. Sir, we want no form of licensed 'zoolum' in this country, and we are not prepared to sacrifice the interests of the oppressed to the interests of the oppressor. I cannot accept this amendment on behalf of Government."

The Hon'ble BABU SURENDRA NATH BANERJEA :—"Sir, I just want to say one word by way of reply. The Hon'ble the Home Member has been good enough to tell us that the object of the law is to protect private persons against 'zoolum.' Now is that the function of the State, and if it were so, would the State be successful in performing this self-imposed task? Sir, these are matters which are very well left to private persons themselves. There are secret, insidious methods of private persecution which I think even the long arm of the State would never be able to reach, and which in making the attempt to reach, the State would involve itself in infinite difficulties, and give rise to a considerable amount of hardship and oppression committed upon innocent persons. Sir, my Hon'ble friend is unacquainted with the complexities of our social system, and with the various forms of social boycott which we are in a position to practise upon innocent persons if we are so minded. I am perfectly certain that, with the aid of the law, an inconceivable amount of hardship would be committed upon innocent persons by machinating and evil minded individuals. I do not think I need say any more in defence of the amendment."

The amendment was put and negatived.

The Hon'ble BABU SURENDRA NATH BANERJEA :—"Sir, I beg to move that in sub-section (1) of the same section, for the words 'an illegal act' the words 'an offence or a malicious wrong to any person or the public' be substituted, and in sub-section (2, for the words 'illegal means' the words 'means amounting to an offence or to a malicious wrong to any person or the public' be substituted.

"Sir, the Hon'ble Member in charge of the Bill was good enough to say, I think in reply to my observations, that he takes his stand upon the Common Law of England. Well, Sir, I meet him on that ground here, so far as this particular amendment is concerned. It follows closely the Common Law of England, much more closely that the Bill itself. Sir, the constituent elements of an act of criminal conspiracy are laid down by Dr. Kinney in his 'Outlines of Criminal Law.'

"These constituent elements are first an act of agreement, secondly an agreement between two and more persons, husband and wife being treated as one person in the eye of the English law. Lastly, it must be an agreement for an unlawful purpose. The expression 'for an unlawful purpose' has not been defined by any great English authority. Dr. Kinney says that it is a unique phrase, but he analyses what an unlawful purpose is, and gives us its constituent elements. In the first place, an agreement for an unlawful purpose is an agreement to commit a substantive crime, that is one element. An agreement for an unlawful purpose is to commit a malicious tort, a tort or civil wrong of any kind but there must be an element of malice. Thirdly, it must be agreement to commit a breach of contract causing some public injury, not any kind of breach of contract; and lastly, it must be an agreement to commit acts grossly immoral. Now, Sir, I venture to submit that my amendment follows closely the lines of the English law upon which the Hon'ble Member in charge of the Bill takes his stand. Sir, our expression in the Bill is 'illegal act.' The word 'illegal' is defined in section 43 of the Indian Penal Code. It includes an offence; it includes whatever is punishable by the law, and lastly, it includes whatever furnishes ground for civil action. It will be seen on comparison that the Indian expression 'illegal act' is much wider than

the English phrase used in the Common Law, 'unlawful purpose.' Let me take one or two illustrations in support of the view which I have ventured to put forward. An agreement to commit a civil wrong comes under the purview of the Bill. An agreement to commit a civil wrong, a tort, will not come under the purview of the English law, unless and until the element of malice is associated with it. An agreement to commit a breach of contract comes under purview of the Bill; an agreement to commit a breach of contract does not come under the purview of the English law, unless it is attended with injury to the public. Therefore, Sir, it is obvious that the Indian expression is much wider, and the present Bill is far more comprehensive than the English law is. In the Statement of Objects and Reasons, it was stated that the object of this law is to approximate the Indian law to the law of England and you have just had the statement repeated by the Hon'ble the Home Member, that he takes his stand upon the English law. Therefore, Sir, I claim that my amendment is more in conformity with the English law than is the Bill, and as such it should be accepted.

"Not only that, Sir, the Hon'ble Member who, I am afraid, is not sufficiently acquainted with the complexities of our social system, has no conception of the amount of hardship, of the powerful engine of oppression which this Bill will prove to be in the hands of interested persons as a means of wreaking vengeance upon their neighbours. I make this statement, not on my own authority, but on the authority of a legal journal of the highest weight and importance. That journal is the 'Calcutta Weekly Notes.' My Hon'ble friend, the Law Member, is well acquainted with that journal. This is what the 'Weekly Notes' says:—

'Take the very common instances where matrimonial matches are made or broken off in this country. In the former case misrepresentations are often made, which may not amount to cheating, but may all the same amount to fraud, whilst in the latter, things may be said by the parents of the bride or bridegroom, which may amount to slander or libel. The persons who have agreed amongst themselves that the match should be brought about or broken off would surely be chargeable with criminal conspiracy under the new law. The husband and wife in this country are not one person as they are in the contemplation of the English law. So these two persons or their relations or friends on whose advice they have acted may be harassed in the criminal Courts by the parents, relations or friends of the disappointed father. People resent such disappointment much more keenly in this country than perhaps in any other.'

"I know what reply will be given to this statement, namely that sanction would be required, but such sanction is to be given by an individual officer, and we are all liable to make mistakes, and he may abuse his discretion, misapply it, wrongly use it, and then the peace of families might be disturbed.

"Sir, it is a very serious matter, and therefore I earnestly appeal to the Hon'ble the Home Member to accept this amendment which is much more in conformity with the Common Law than the Bill is, and which, if not accepted, would allow the law a comprehensiveness which would be injurious to the best happiness and contentment of many Indian families."

The Hon'ble Mr. KENRICK —"Sir, the amendment which has just been proposed by the Hon'ble Mr Banerjee is one of a highly technical nature. It is at the same time one of substance, and it seems to me that it deserves an answer. This proposal amendment is one of some subtlety, and its true purport does not appear upon the surface. Now Mr. Banerjee proposes to substitute the words 'an offence or a malicious wrong to any person or the public' instead of the words 'an illegal act' in the Bill as drafted.

"Now I shall make it perfectly clear to the Council that to accept this amendment would be to raise gratuitously difficulties of construction; not only that, but very distinctly to limit the scope of the Bill. The reason that the words 'illegal act' are used in the definition in the Bill is simply this because they are appropriate inasmuch as they have received definition in the earlier portion of the Penal Code. The term 'illegal act' is defined in section 43 of the Indian Penal Code. The word 'illegal' is defined as being applicable to everything which is an offence or which is prohibited by law, or which furnishes a ground for civil action.

"On the other hand, the words which the Hon'ble Member proposes to substitute, namely the words 'malicious wrong' would require special definition in the Penal Code. There is at present in the Penal Code no definition whatever of the terms 'malice' or 'malicious'; and the Legislature has undoubtedly abstained, and abstained advisedly, from embarking upon the difficult task of a definition of those words 'malice' and 'malicious.' I would remind the Hon'ble Member who puts forward this proposition that the use of the term 'malice' in the English Criminal Law is highly technical. In different branches of the English Criminal Law the word is used with different significations. The legal conception of malice in the crimes of murder, of libel, of malicious injuries to property differs. The term 'malice' as used in the English Criminal Law with regard to murder is one of a purely artificial conception. For instance, a man who causes the death of another in the course of committing a felony is said to cause that death by 'malice aforethought.' In other branches of the Criminal Law in England malice denotes simply indirect motive. Again, it is sometimes used as connoting malice in fact, that is direct personal ill-will.

"Now I have just reminded the Hon'ble Member of these various uses of the term in the English law to demonstrate the impossibility of introducing such a term for the first time into the Indian Penal Code, as suggested by the Hon'ble Member. He has said that the definition which he proposes by the use of the word 'malicious' would more closely follow the English Law than the definition in the Bill as drafted. I challenge that directly. It is not so—it is not a fact. The suggestion arises from a misconception of law. Any agreement to cause an injury to an individual or to a class or to the public, whatever be the ultimate object of that conspiracy, is a conspiracy at common law. Any conspiracy whatever, any combination of two or more individuals who form an agreement to do any act causing injury to any person or class of persons or to the public—and that without any importation necessarily of the idea of personal malice—is in English law an indictable crime. It is to incorporate the English definition into the Indian law which is the design of the Bill. The Bill goes no further than the English law.

"Now, it seems perfectly obvious that the object of this proposed amendment is to throw on the Crown in every prosecution for conspiracy the onus of proving malice or personal ill-will by the persons charged with the conspiracy towards the individual or individuals who are the object of the conspiracy. I take it that is the object of the Hon'ble Member's proposed amendment, namely to

throw on the Crown in every case of prosecution for conspiracy the onus of proving direct personal ill-will or malice. Now to import that necessity of proving malice would narrow the scope of the legislation—would narrow it in such a way that it would not co-ordinate with the English law of conspiracy.

"More than that, it would have the effect, if adopted, of restricting the cases in which conspiracies to injure individuals or to injure the public could be prosecuted because it is the English law of conspiracy that an agreement to cause an injury or to do an act by unlawful means is an indictable offence, irrespective of whether malice is or is not capable of being proved. I will just give one illustration. Take the case of persons combining to prevent tenants of a particular landowner or zemindar from paying their rent to him in order to induce him to do certain things, or to induce him to change his particular views or to reduce him to join a particular cause. Now in any of these cases mentioned, personal ill-will or malice towards the landowner in the sense in which the Hon'ble Member has used the term does not exist and cannot be proved. The case I have put could be, and has been prosecuted under the English law of conspiracy, and it is to that end that the present Bill, among other matters, is designed. If the amendment proposed by the Hon'ble Member were accepted, the effect would be to exclude the possibility of prosecution of conspiracy in such a case as the one I have put—a case which I venture to think every right-minded individual would see the expediency of proceeding against as an indictable crime."

The Hon'ble Mr. MADHU SUDAN DAS:—"Sir, I am very well understand, and do really very fully sympathise with, the anxiety of the Hon'ble mover of this resolution to see that there should not be any such abuse of this Bill when it became law as would cause a disturbance in private social affairs. I can assure him that this anxiety was shared by us when discussing the provisions of the Bill in the Select Committee.

"As regards the remark that the word 'illegal' should be removed and 'unlawful' should be used. I shall point out to the Hon'ble mover that so far as I remember—and I do not think my memory fails me—that he will come across numerous rulings and decisions of the English Courts where the word 'illegal' is used in speaking of these acts. In fact, on referring to these rulings we find that there are more instances in which this word 'illegal' is used than the word 'unlawful'."

The Hon'ble Mr. PANDIT:—"Sir, may I rise to a point of order. Is the Hon'ble Member discussing the particular amendment that has been moved by the Hon'ble Mr. Surendra Nath Banerjea? There is no word 'unlawful' in the amendment."

The PRESIDENT:—"I assume that the Hon'ble Member is leading up to some particular point, and that he will deal with the amendment which is before the Council."

The Hon'ble Mr. MADHU SUDAN DAS:—"I understood the Hon'ble Member to say that the word 'unlawful' was used in the Indian Penal Code and not used here, but another word 'illegal' has been substituted. That is the point. (The Hon'ble Mr. Banerjea says I am correct there.) Well, 'illegal' is a word which has been used indiscriminately in the English decisions with 'unlawful' and it so happens that the word 'illegal' is defined in the Indian law, whereas I don't know that either the word 'unlawful' or 'illegal' has been defined in the English law. The word 'unlawful' is used in the Penal Code in that very well-known section as unlawful assemblies. Are we to suppose that it is not there used as synonymous with 'illegal'? Are we to suppose that when the expression 'unlawful' is used in those sections of the Indian Penal Code it does not mean illegal? The word 'illegal' has been defined, 'unlawful' has not been defined. It comes to this—that in the Penal Code, 'illegal' and 'unlawful' are indiscriminately used.

"Then as regards malice, I think the Hon'ble mover believes that the introduction of 'malice' would be a better safeguard than has been provided for by requiring prosecutions of this nature to be proceeded against with the sanctions added in the Select Committee. Malice is a term which has not been defined anywhere. It is chameleon like, putting on any colour. We know 'malice prepense,' we know 'malice aforethought,' we know 'universal malice'—(that is a law term); and we know natural malice. Now, are we likely to gain by using a term when we do not know what it means? It will, it is said, throw the onus of proof on the prosecution. No doubt it does; but if my Hon'ble friend who moved this resolution would kindly lend me the book from which he has been quoting I will show there.

"Sir, I cannot at this moment find out a passage which I searched for but what I mean to say is this, that the onus is on the prosecution, but then we must not lose sight of the principle of law that the law in most cases presumes malice; there is a presumption of malice. The prosecution starts with a presumption in its favour, and often in cases of this nature malice means a state of the mind, it refers really to *motives*. There must be a proof of the act before any inference of malice can be made from it. Now if we introduce this into a section like that which deals with conspiracy, then it means this that before you start a prosecution, before it proves any act had been done, you must show actually that there was an intention, whereas if malice is introduced, what will be the result? An act will be proved and then the Court will be asked to presume malice, and the nature of the act itself would show whether that presumption should stand or not. Then as regards social disturbances, the Hon'ble Member has referred to *Calcutta Weekly Notes* and he referred to matches. I believe we tried our best in Select Committee to make these safety matches so that they would ignite without the consent of some Magistrate. Prosecutions cannot be started against those offences without the sanction of Government. It is only with regard to offences of a serious nature in which the police have cognizance that no sanction is necessary. I do not think, Sir, that the introduction of these words would improve the situation or disarm the police, which is so much hated."

The Hon'ble Mr. SYED ALI IMAM:—"Sir, the discussion over this amendment has largely centred on that portion of the proposed amendment which runs as follows:—

'To do a malicious wrong to any person or the public.' The Hon'ble mover who is known to be as careful a worker as we can find in the country, has purposely, it seems to me, avoided the use of the word 'unlawful'. If he had used the word 'unlawful' in place of these words that he has put in, the word 'unlawful', if he had used the word 'unlawful' in place of these words that he has put in, namely 'a malicious wrong to any person or the public,' then in that case he would unquestionably have been nearer, in fact identical with, the English law. The various decisions of English Courts, especially those which have been referred to frequently in the discussions here, such as the case of Mulcahy or of O'Connell and in more recent times the case of Lotthan, decided by Lord Brampton,

show that in all these cases the learned Judges have made use of the term 'unlawful', that is to say where the object of the conspiracy is unlawful or where the means employed for the purpose of carrying out even a lawful object are unlawful, that conspiracy has been held to be criminal. If the Hon'ble mover had confined himself to the use of the word 'unlawful', there would have been considerable force in his contention when he is asking the Council to accept in respect of this amendment, what is exactly the position of the law according to English decisions. But knowing as we do the critical mind of the Hon'ble Member, I am not surprised that, instead of using the word 'unlawful,' the Hon'ble Member has put in words which bring in the important element of malice and malicious wrong; and in this connection I associate myself entirely with the remarks made by the learned Advocate-General that if these words that are on the proposed amendment were accepted, in that case a narrower meaning would be given to this clause than has been given to the law of criminal conspiracy in England, on the basis of the decisions to which I have just now alluded. Therefore, it seems to me that the acceptance of this amendment by the Council would amount to narrowing the law down to something which is less than the English law.

"There is another aspect of the question to which I should for a moment like to draw attention, and it is this; why is it that we have preferred to use the term 'illegal' in the Bill to the term 'unlawful'? Well, we have done so because in drafting we generally rely upon such terms as have an exact and known meaning. They are words of art. And here, inasmuch as the word 'illegal' has been defined in the Indian Penal Code, we have relied upon the use of that word. Among other observations that were made by the Hon'ble mover, he was pleased to say that the contention of the Government has been to draw inspiration from the law of conspiracy as existing in England, and therefore we should accept his amendment as that is, according to his contention, nearer to that law. We do not deny that in the framing of this Bill we have, as a matter of fact, very largely drawn from the principles of the law of conspiracy as existing in England, but at the same time I should like to draw the attention of the Council to the fact that, although we have very largely borrowed in principle, we have not been at all forgetful—and that is the most important part of the discussion—we have not been forgetful of conditions that prevail in this country. It has not been a blind importation in regard to this part of the Bill of the principles of the English law of conspiracy. No, what we have done is this that, knowing very well the varying circumstances, the social circumstances and many other variances, we have gone and put in a very important proviso, and that proviso is this, that not only should there be a combination to do an unlawful act, or a lawful act by unlawful means, but that there should be a further condition, a reservation that there should be over and above that an overt act. In this connection we take leave of the English law of conspiracy. The English law of conspiracy makes an offence a complete offence if there is an agreement between two or more, and the object is unlawful or the means by which that object is to be achieved are unlawful. There the offence committed is criminal conspiracy; but knowing the conditions of India, and knowing the difficulties with which we have got to contend here, we have not rested satisfied with that; we have put in an important provision, and that is, that there should be the necessary element of the overt act. Therefore I may claim that in regard to this part of the Bill, care has been taken to have due regard to the conditions that obtain in my country. But we do not only stop at that. A greater, and larger, and if I may say so, a very important distinction again arises in the fact that not one single case of this kind can be started without the permission, not of a Chief Presidency Magistrate, or of a District Magistrate, but of no less an authority than the Local Government or the Governor-General in Council, or of some such officer as the Governor General in Council may appoint in that behalf. Therefore it will be seen that the dangers to which reference has been made are really not by any means so great as they have been painted to be. My Hon'ble colleague, Mr. Banerjee, has drawn pointedly my attention to an article in the *Weekly Notes*. I personally have very great respect for that Journal, which is a very great help in legal circles in throwing useful and valuable light upon difficult questions of law. But I may venture to say that the article to which reference has been made is an article that the very able and learned editor of that Journal brought out at a time when this Bill had not emerged from the Select Committee. It was the skeleton, the original Bill that was introduced, that had been the subject of comment by that valuable paper and the safeguards that have since been introduced could not have been present in the mind of the writer of that article, therefore any fear of grave disturbances in the matrimonial markets of India on account of the passing of this Bill need not occupy the attention of the Council, unless, which to my mind is almost inconceivable, a match or a proposed match has attracted such attention as to become so grave and has assumed such public importance that eventually the Local Government or the Governor-General in Council is induced to give sanction to the prosecution of people who conspire to unlawfully or illegally effect or frustrate that match. Unless such a case as that arises, I cannot for a moment picture to myself how any difficulties could be expected to be thrown in the way of good people occupied in the pleasant pastime of match-making.

"Therefore, if the amendment is carefully considered in the light of the English law as understood by the decisions, of the matter of the overt act, and furthermore of the very important provision of the safeguard of previous sanction, and if these matters are given one might, I feel convinced that the Council will, realise that the apprehensions that have been entertained by my Hon'ble colleague have not the same terrors in fact as they have in imagination.

"On behalf of Government, Sir, I am unable to accept the amendment."

The amendment was put and negatived.

The Hon'ble Mr. VIJIARAGHAVACHARIAR:—"Sir, I beg to withdraw the amendment No. 30 which stands in my name, namely:—

'(3) The Governor-General in Council may from time to time, by a notification published in the Gazette of India, add to the list of the offences mentioned in sub-section (1) of this section any other offence or offences which he considers to be of a political nature and may, by a like notification, cancel the addition so made to the list wholly or in part'."

The PRESIDENT:—"The amendment No. 30 on the notice paper in Mr. Acharier's name is, with permission, withdrawn."

The Hon'ble Mr. Acharier then also withdrew amendment No. 31 standing in his name, namely:—

'To omit the Proviso from the same section.'

The Hon'ble Mr VIJIARAGHAVACHARIAR :—"Sir, the proviso being retained, I ask you to permit me to move this amendment, namely :—

'That in the said Proviso the words "to effect the object thereof" be omitted, and after the word "agreement" the words "and in furtherance of such agreement" be added.'

"The act done after the agreement should flow naturally from the agreement. As it stands, it says some act besides the agreement is done to effect the object thereof by one or more of the parties. I will give you an illustration. A, B and C may enter into an agreement to commit a particular act by illegal means, or to commit an offence. Afterwards A may know nothing about it; he may have repented and withdrawn from the agreement, so may have B. C and some others even unknown to A and B may join together and commit the act. In these circumstances A and B cannot be said to be parties to the act, because what C does was not a consequence of the agreement, was not in pursuance of the agreement, was not in furtherance of the agreement. The agreement was shattered to pieces when A and B withdrew. When three persons enter into an agreement and two of them withdraw from the agreement before it can be given effect to, and if the remaining one person joins other persons, the subsequent act cannot bind, cannot affect those persons who were originally a party to the agreement. I move that the words 'to effect the object thereof' be omitted, and the words 'in furtherance thereof' be inserted as proposed."

The Hon'ble Mr. SYED ALI IMAM :—'Sir, I do not know if it will be agreeable to the Hon'ble Member opposite to accept a suggestion that I venture to make and that is that the amendment that is proposed might be effected by the use of the words 'in pursuance thereof.' This expression has been used in the Indian Penal Code in several places. For instance, in the explanation to section 120-A, this very expression has been used. It has also been used in section 107, the section of abetment. Therefore I invite the Hon'ble the mover to reconsider if he will be satisfied if we proposed to adhere to the language of the Code. I trust that I shall have the refreshing experience of finding the Hon'ble Member agreeing with a Member of the Government."

The Hon'ble Mr. VIJIARAGHAVACHARIAR :—"Following his example, Sir, may I ask the Hon'ble Member to add to his kindness and tell me how my expression 'in furtherance thereof' will misinterpret the intentions of the Government, and 'in pursuance thereof' will better interpret those intentions?' I ask for information."

The Hon'ble Mr. SYED ALI IMAM :—"The Hon'ble Member laid some claim to a knowledge of astrology only a little while ago."

The Hon'ble Mr. VIJIARAGHAVACHARIAR :—"I said political astrology."

The Hon'ble Mr. SYED ALI IMAM :—"I think that is a science which gives more knowledge than we ordinary mortals are possessed of. However, I will try to explain my meaning when I venture to draw a distinction between the two terms 'in pursuance thereof' and 'in furtherance thereof.' 'In pursuance thereof' has a meaning which is slightly different from the meaning conveyed by the term 'in furtherance thereof.' I may say at once that the distinction is an exceedingly fine one, of very very great refinement; but at the same time that there is a difference, there can be no question. 'In furtherance thereof' is an expression which suggests, as a matter of fact, some degree of advancement towards the accomplishment of the object itself.

"'In pursuance of' may be an act which in fact may not further, but, so far as the intention of the perpetrators is concerned may be in pursuit of the accomplishment of that object. As I have said before there is a difference and it is somewhat refined. That is one reason why I suggest that the term 'in pursuance of' may be accepted. I will illustrate my meaning. It is quite possible that an act may be done in pursuit of a certain object without in any way in fact advancing it. For instance, a man may go and actually buy a drug, taking it to be some poisonous stuff, and the idea may be to administer it and thereby commit a crime. But in fact he may buy an absolutely innocent stuff. His act will be 'in pursuance of' although as a matter of fact the object that was to be accomplished has in no way been furthered. Therefore, there is a distinction. It is not that the two terms have exactly the same meaning; but even if for a moment my Hon'ble friend on the other side disagrees with me, and thinks that there is no difference, as a technical ground I should be justified in inviting him to accept the expression 'in pursuance of', because that is an expression that is used by the Code, and we ought, as far as possible, to adhere to the language of that Code."

The Hon'ble Mr. VIJIARAGHAVACHARIAR :—"May I now turn the tables slightly? Since there is very little difference between the two phrases, why should not Government accept mine?"

The Hon'ble Mr SYED ALI IMAM :—"I have explained, Sir. My explanation has been that, even at the invitation of the Hon'ble Mr Vijiyaraghavachariar, I and my Department find ourselves absolutely unable to depart from the established practice to employ consistently, as much as possible, the same language in an enactment."

The Hon'ble Mr. VIJIARAGHAVACHARIAR :—"No doubt there is a proverb that you must not look a gift horse in the mouth, but I am one of those who would not like to have an unsound horse. The maintenance would cost more than the value of the horse.

"My amendment follows the language of another section of the Indian Penal Code—section 34 that when a criminal act is done by several persons 'in furtherance of', etc. This is Macaulay's and the other is Sir James Fitz James Stephen's. I confess to a preference for the language of Macaulay to the language of Stephen's, and I hope I shall not be called upon to account for my partiality. All of us are entitled to our opinions, and therefore I chose my language from the section drafted by Macaulay and settled by Peacock. My Hon'ble friend on the other side borrows his language from Sir James Fitz James Stephen and asks me to accept it. However, I am likely to accept it for this reason, that they say that Indian political actions are visible to the Government but invisible to the people. So somebody says. I am not able to see subtle distinctions very much, but my ordinary common sense tells me that my language will protect the people better. When it suits the Government, it indulges in language of refined subtlety. However, half a loaf is better than no loaf. With thanks *pro tanto*, I accept the amendment."

The Hon'ble Mr. SYED ALI IMAM :—"I accept the willingness with which the Hon'ble Member—"

The Hon'ble Mr. VIJIARAGHAVACHARIAR :—"My thanks or my amendment?"

The Hon'ble Mr. SYED ALI IMAM :—"I am accepting the amendment which has been introduced by the Hon'ble Member. I have to do so formally on behalf of the Government. May I ask, Sir, that some order may be kept. It is impossible for me to keep up a running fire with the Hon'ble Member."

The PRESIDENT :—"I answer the Hon'ble Member's point of order. The discussion across the table has been of a discursive character on both sides, but I have not stopped it in the hope of an agreement being reached."

The Hon'ble Mr. SYED ALI IMAM :—"On behalf of the Government I accept the insertion of the word 'in pursuance of' instead of the words that are in the Bill—'the object thereof.'"

The amendment as altered reads :—

'That in the said Proviso the words "to effect the object thereof" be omitted, and after the word "agreement" the words "in pursuance of such agreement" be added.'

The altered amendment was put and agreed to.

The Hon'ble Mr. VIJIARAGHAVACHARIAR moved that in the same section the Explanation be omitted. He said :—"My amendment is that this explanation be deleted, and I press the amendment because although it is a small one, it has far-reaching consequences. From the speeches hitherto made on the other side, I have not been able to understand exactly the origin and development of the principle of this explanation. One can perfectly understand an act done by several persons which constitutes an agreement to commit any one of these three things, namely, an offence, or an act prohibited by the law, or an act which can be made the basis of a civil action. Where the act is intended—where it is present to the minds of the persons that are parties to the agreement, one can understand punishing them. But I am unable to understand what is meant by 'whether the illegal act be the ultimate object or merely incidental to that object.' If it is merely incidental to that object, the law is capable of being misunderstood and abused by Courts—by even the best Courts. 'Merely incidental' in ordinary language means 'not foreseen', 'not contemplated' by the people so agreeing. If they are to be held responsible for this incidental circumstance, all that I can say is, that it is impossible, Sir, with all the safeguards provided for by Government, to administer this kind of law. As Herbert Spencer puts it, the inhabitants of the earth would then be insufficient to be converted into policemen to detect offences of this kind. We would have to import beings from a different planet to police us and to detect crimes in the light of this explanation, 'incidental thereto.' Why, Sir, at this rate a coach-builder may be punished if a number of coachmen combine and coaches rashly. Makers of motor-cars may be punished if on the way, as a car is driven, it incidentally kills somebody. I cannot understand the origin of this phrase 'incidental thereto' at all.

"We are now dealing with conspiracies. Let us confine ourselves to conspiracy; and here let me not be met with subtle refinements visible only to the Government. This law is intended for the people. One object of the law, let us not forget, is to educate the people into what we call moral conduct and order, leading to the well-being of society not by punishments alone, but by educating them into right conduct. The ideal of law is to educate them and not merely to threaten them, and to the extent to which it merely threatens and punishes them, it is a survival of old individual and tribal method of obtaining revenge.

"Society has taken the law of revenge from private hands and entrusted it to its own agency for the best of purposes in public interests. Law by the Government and the Sovereign is, or ought to be, strictly speaking, law by society in its collective character. And one object of all such laws is to educate the moral and the nobler part; the baser part is to punish, to take away the spirit of revenge that would otherwise exist in private persons and in tribes and in certain classes which originally existed and still does exist in savage lands; in order that it might be taken away from those persons, in order that it might still be regulated and enforced, where private persons ordinarily could not have the means of enforcing it; and in order that the measure of punishment may be well estimated, well weighed in dealing with this penal portion the law must be certain and capable of being understood so as to be educative. If you say an act may be something incidental to an agreement, I do not understand it. I can understand the penal portion of it. I fail to understand how it serves the educative portion of the law, how it would inform ordinary people with ordinary faculties like myself what 'incidental' here means. It is just possible that Government has an excellent explanation and that it has a trump card, but they have not shown it. I have been carefully watching the speeches made here, but I have not been able to discover what this incidental means. I await further statements."

The Hon'ble Mr. KESWICK :—"Sir, the Hon'ble Member has invited attention to the Explanation which is appended to section 120A (2) of the Bill. He desires us to omit this Explanation from the Bill. He says that it is a very small amendment. He also invites the Council to come to the conclusion that they are embodying in the Explanation certain refinements which are understood by the Government, but which are not capable of being understood by the ordinary men of common intelligence. The Explanation is in these words: 'it is immaterial whether an illegal act is the ultimate object of such agreement or is merely incidental to it.'

"In the first place, I would remind the Hon'ble Member that he has clearly overlooked the fact that to omit this Explanation would in no way alter the meaning of the statement which precedes it, and of which it purports to be explanatory. The section, together with the Explanation, which the Hon'ble Member asks us to omit, is merely an enunciation of the English law of conspiracy. If the Explanation be eliminated, the force of the enactment remains precisely the same, neither more nor less. Then why are we asked to omit this Explanation? Why is it that the Hon'ble Member asks us to omit this Explanation? There can be only one object in excluding it, and that is to leave the door open to elaborate argument at the bar in this matter, to facilitate conjecture by imperfectly trained minds as to the true construction. The Explanation leaves the true construction beyond any doubt. I need hardly say that the object of all legislation should be to secure precision, and so far as possible, to avoid uncertainty. That is done in this case by this Explanation if it is read with a reasonable degree of understanding.

"The Hon'ble Member said he could not understand the meaning of the words in the Explanation. The actual words seem to speak for themselves. I must trouble the Council with them again for one moment, and follow them by an illustration, which will show the Hon'ble Member the purport of the Explanation and the way it will operate if it is incorporated, as no doubt it will be, in this Bill. The words are 'it is immaterial whether an illegal act is the ultimate object of such agreement or is

merely incidental to it.' That is what the Hon'ble Member fails to understand. Take a concrete case. Take the example of conspiracy to murder a particular individual, a Magistrate we will say for instance. The meaning of the explanation is this, that it is immaterial whether the illegal act, that is, the causing of the death of this particular Magistrate, is in itself the ultimate object of the conspiracy, or whether it is merely incidental to a wider object, such for instance as the supersession of all authority. I venture to think that when these words are read with ordinary understanding, they convey no doubt as to their meaning. It says as plainly as possible in illustration of the enactment which precedes it, that when there is a conspiracy it is quite immaterial, it matters not whether the illegal act which is the object of the conspiracy is merely incidental as in the case of the putting out of existence of a particular individual or whether it has a wider object, the ultimate or main object of conspiracy.

"It makes for precision. It is merely, as I said, an enunciation of the English common law of conspiracy. It does not carry it further. It removes the possibility of ambiguity and waste of time in abstruse argument. It is for that reason that the explanation has been inserted."

The Hon'ble Sir WILLIAM VINCENT :—"Sir, the Hon'ble Member has said he does not know where this explanation originated. I may be able to give him some information on that point. It has been repeatedly pointed out in this Council that, in framing the present Bill, we have attempted as far as possible, to follow the English common law. Now, in the year 1848, a special report of the Criminal Law Commissioners, men of great authority in their profession, was issued, and that defined the criminal law of conspiracy much in the same way as we have defined it in this Bill. The Commissioners, however, thought it expedient and necessary to add an explanation on the lines of the present explanation, the relevant part of which runs as follows:—'It is immaterial to the crime of conspiracy whether the causing of the injury be the ultimate object of the crime or be merely incidental to that object.' That was the authority upon which we based our drafting. I do submit to this Council that we shall be acting wisely if we follow an authority of that standing when we are attempting to place the criminal law of conspiracy of this country on the same footing as the English common law."

The Hon'ble Sir REGINALD CRADDOCK :—"Sir, for the reasons explained by the Hon'ble the Advocate-General and the Hon'ble Sir William Vincent, the Government cannot accept this amendment."

The Hon'ble Mr. VIJIARAGHAVACHARIAR :—"Sir, just a word. I have the good fortune of getting support from the Hon'ble the distinguished Advocate-General whether he intends it or not, but under the disguise of his remarks in opposition to me. I had occasion to allude to such a support yesterday. Today, I believe I shall have the good fortune again to allude to it. He says the omission of this explanation will in no way affect the provision of the law. May I, therefore, ask Government to be so good as to act on the high authority of its Advocate-General and give me the boon of omitting it? Take your stand upon the law. It is a fair challenge, a very fair challenge. Yet, if you will not accept my amendment, I will adhere to my suspicion that you probably say less and mean more. Therefore, here is a statement that my amendment, if accepted, will in no way affect the law. Take it therefore. I do not want the explanation. The cause is very indefinite and is capable of being much abused. Now I have brought to the notice of the Council one important fact, that unless the original parties to the agreement either intend it or fairly foresee it, it is not fair to charge them with what may arise incidentally and make them responsible for it. It is no answer to say that the explanation has been based upon an observation of a Law Commission in England. We do not know under what circumstances they made the observation, or whether those observations will be adhered to by them if they were called upon to frame a draft code. It is of no use, therefore, to adopt an isolated statement made in the course of a report or of a letter by a Law Commission. That is not a draft code. It is one thing to make observations in making reports; it is a totally different thing to sit and make a draft. Now my point is that all criminal actions must have the element of consciousness on the part of the perpetrators, except crimes based on rashness and negligence. The purpose of the criminal law is to educate people to greater morality, and to become law-abiding and partly to punish them if, in spite of that, they commit wrong. This clause as to an act incidentally arising from an agreement being made an offence comes to have that effect. No answer has been given by the Hon'ble the Advocate-General, no answer by the Hon'ble Sir William Vincent to regards that portion of my objection, could it be fairly foreseen or fairly intended? That is the point, gentlemen."

The PRESIDENT :—"It may have been a slip of the tongue, but you must address the Chair, and not use the word 'gentlemen'."

The Hon'ble Mr. VIJIARAGHAVACHARIAR :—"Very well, Sir, I have a little more to add. It seems to me that the word 'incidental,' or 'merely incidental,' in my humble view is capable of being abused; it cannot be understood always in the sense in which the Hon'ble the distinguished Advocate-General and the Hon'ble Sir William Vincent meant. The decisions and Commissions' reports in England are not likely to be very much open to us, to the Indian Courts, to the Indian police, and to the authorities who are charged with the duty of sanctions. Therefore, I accept the statement which the distinguished Advocate General made that the two are identical, and that the omission of it will not affect the law, and I beg of Honourable Members that, in omitting it, they do no injury to the law.

"I beg, therefore, to press the amendment."

The amendment being put, the Council divided and the result was as follows:—

Ayes.—8.

The Hon'ble Nawab Saiyid Muhammad; the Hon'ble Mr. Vijiaraghavacharlar; the Hon'ble Sir Ibrahim Rahimtoola; the Hon'ble Babu Surendra Nath Banerji, the Hon'ble Maharaja Ranajit Sinha of Nashipur, the Hon'ble Malik Umar Hayat Khan; the Hon'ble Mr. V. R. Pandit; the Hon'ble Sir G. M. Chitnavis.

Noes.—31.

The Hon'ble Sir Guy Fleetwood Wilson; the Hon'ble Sir Robert Carlyle; the Hon'ble Sir Harcourt Butler; the Hon'ble Mr. Syed Ali Imam, the Hon'ble Mr. Clark; the Hon'ble Sir Reginald Craddock; the Hon'ble Mr. Hosley; the Hon'ble Sir T. R. Wynne; the Hon'ble Mr.

Mesgrove; the Hon'ble Mr. Monteath; the Hon'ble Maharaja Manendra Chandra Nundi; the Hon'ble Raja of Mahmudabad; the Hon'ble Raja Kushalpal Singh; the Hon'ble Mr. Saunders; the Hon'ble Sir A. H. McMahon; the Hon'ble Mr Wheeler; the Hon'ble Mr. Estbanes; the Hon'ble Mr. Sharp; the Hon'ble Mr Porter; the Hon'ble Sir F. D. Maclagan; the Hon'ble Mr. Gillan; the Hon'ble Major General Badwood; the Hon'ble Mr. Michael, the Hon'ble Surgeon-General Sir C. P. Lukis, the Hon'ble Mr Gordon; the Hon'ble Mr. Maxwell; the Hon'ble Major Robertson; the Hon'ble Mr Resnick, the Hon'ble Mr. Reeves; the Hon'ble Mr Kinsey; the Hon'ble Sir William Vincent; the Hon'ble Mr. Carr; the Hon'ble Sri Rama Raya of Panagallu; the Hon'ble Khan Bahadur Mir Asad Ali Khan; the Hon'ble Sir C Armstrong; the Hon'ble Mr. Framjibhoy Cursetjee Ibrahim; the Hon'ble Mr. Macpherson; the Hon'ble Raja Sayid Abu Jafar; the Hon'ble Mr. Maude; the Hon'ble Mr Madho Sudan Das; the Hon'ble Maharaj-Kumar of Tikari; the Hon'ble Mr. Hade; the Hon'ble Mr. Arthur; the Hon'ble Major Brooke Blakeway; the Hon'ble Raja Jai Chand; the Hon'ble Sardar Daljit Singh; the Hon'ble Mr. Fenton; the Hon'ble Mr. Walker; the Hon'ble Mr Aitchison; the Hon'ble Mr Eales; the Hon'ble Maung Myé.

So the amendment was negatived

The Hon'ble Mr VIJIARAGAVACHARIAR:—"Sir, the next amendment which I beg to move consists of a number of explanations which I desire to add. I will take them one by one. The first is this—

'An "agreement" is not an offence within the meaning of this section unless two at least of the persons so combining are both capable by law of committing an offence.'

"This I take it to be is the object of the proposed law, and I do not know if, in moving it, I am going contrary to the intentions of the Hon'ble the Home Member. The law purports to be taken from the English law on the subject. It is very clear to my mind that what is meant there is that the persons agreeing must be capable singly of committing penal crimes. I will put an extreme instance. Take for instance a mother with her babe comes to an agreement to commit a crime. I believe that that agreement is not meant to be within the purview of this coming law. Again, supposing a man, an adult, capable of committing a crime, enters into an agreement with boys under 7. Under the Indian Penal Code boys under 7 are incapable of committing an offence. I respectfully submit therefore that an agreement come to by an adult with boys under 7 incapable of committing a penal offence ought not to be made an agreement made punishable under the coming law. Instead of leaving this to be evolved by Judges, as the case does arise, I submit it would be far better, as this is a new law, and as there will be no decisions for some time in India, that the Statute should provide that the persons agreeing must be by law individually capable of committing an offence. I would just remind you of the statement made by the Hon'ble Advocate-General and the Hon'ble the Home Member, that the gist of this offence consists in combination. That is to say, where it is confined to individuals, society does not choose to recognise that danger for inclusion in its penal law. That is to say where a single individual commits a crime, society does not mean to make it penal. It chooses to draw a line somewhere. It says that an act committed by a single individual would not necessarily be penal, but if the same is committed in combination, by a number of persons acting in concert, then danger to society arises. That danger this law proposes to make penal. I therefore respectfully submit that that danger must really exist. The two or more persons must, when taken individually, be by law capable of committing the crime. The word 'agreement' also, if we can have a reference to the Civil law, is this, that two persons can only be said to agree on a particular matter when they have the same mind as regards that matter, and when both are capable by law of entering into a contract. If one man thinks of one aspect of a thing and another man of another, they cannot be said to agree as regards that matter. I respectfully submit that it is well to provide against the possibility of abuse of this section in the administration thereof."

The Hon'ble Mr. KENRICK.—"Sir, the Hon'ble Member has proposed that this explanation should be inserted in the Bill, and I venture to think that when he really comprehends what the present state of the law is, he will see that there is no need whatever of any addition on the lines he has suggested.

"The explanation he desires inserted is this, that the agreement is not an offence within the meaning of the section."

The PRESIDENT.—"I must interrupt you for one moment. Does the Hon'ble Member (Hon'ble Mr Vijiaraghavachariar) propose to drop his explanations II, III and IV? I cannot allow him to take one bit at a time."

The Hon'ble Mr VIJIARAGHAVACHARIAR:—"Although I put them all under one amendment, I beg to be permitted to take them separately."

The PRESIDENT.—"Oh no, you must speak on the whole of your amendment; you cannot break up the amendment."

The Hon'ble Mr. KENRICK.—"May I say this, it would be extremely convenient, if your ruling admits of it, that the Hon'ble Member should be answered with regard to each of these explanations separately. It would be more coherent and more easily intelligible."

The PRESIDENT.—"Obviously it would be impossible to deal with the amendments paragraph by paragraph. It would lead to confusion and it would lead to interminable discussion. The Hon'ble Member must complete his remarks on that amendment and then you will be able to deal with it."

The Hon'ble Mr. VIJIARAGHAVACHARIAR.—"Very well Sir, my amendment consists of four parts. The first part is what I have already alluded to, namely, that since the offence involves the combination of at least two persons, as I understand the principle, the persons must be by law capable of committing it an offence, when acting individually.

"I won't detain the Council any further on this amendment. My second amendment is precisely in accordance with the English Law. It is that—

'An agreement is not an offence within the meaning of this section if the persons so agreeing are related to each other as husband and wife.'

"Now this is a well settled English law. I don't know if it is going to be opposed, and if so on what ground. I again quote from Lord Halsbury's Laws (page 286). Husband and wife cannot alone commit the crime of conspiracy as they are really but one person in law. That is a settled law, and as

we are borrowing this law from the English common law, it is well that we borrow its leading doctrines. I don't know how this doctrine arose. I can't tell whether it is religion or poetry that invented the idea that husband and wife are one. Whether Mrs. Pankhurst would accept that doctrine or not I don't know. All that I know is that England has been in need of this maxim; that for a large number of purposes husband and wife are deemed one person, and I do not at all see why the same principle cannot be extended to India. I should like to hear what will be the nature of the opposition on the other side if any. That being the English law, as we are borrowing from the English law, it is just as well to have that safeguard.

"My third amendment is this. It is very nearly allied to the second one. My second one relates only to a combination exclusively between husband and wife where there is no third person. My third amendment reads thus:—

'Where there are reasonable grounds for believing that a married woman became party to any such agreement by reason of the influence of her husband she commits no offence under this section.'

"But let us suppose there are more persons than husband and wife, and the husband, some of his friends and his wife are party to the agreement. As the group does not concern husband and wife alone, but as there are also third persons, the question is whether the wife should be deemed in these circumstances a necessary party to the agreement. My amendment suggests that in deciding that question all the circumstances must be taken into consideration. I don't ask for absolute immunity for her. Neither do I say that she should be invariably treated as any other person. My contention is that there is a well-known presumption that the wife must be *prima facie* deemed to be acting under the coercion of her husband, and it is conceded by our friends that we do not treat our wives as well as they treat theirs. I do not subscribe to this view, but I only state their case. At all events wife beating does till take place in India—I won't say more commonly than in England, because it might be resented. If we treat our wives more cruelly than our English fellow-subjects of His Majesty, and if our wives are less independent than English wives, it follows, Sir, that the law which obtains in England, namely, that a wife in combination with her husband even for a criminal purpose must be *prima facie* assumed to have acted under the coercion of her husband, should be given effect to in India. The circumstances may be proved where the ordinary presumption may fail and the saying that the grey mare is the better horse might prevail. Under these circumstances the wife will come to grief; whether the husband should be saved in these cases is more than I can say. At any rate, it is not part of my amendment. All that I say is that where there are reasonable grounds for believing that a married woman became party to any such agreement by reason of the influence of her husband, she commits no offence under this section, and as regards the principle of the amendment, namely, that a married woman in such circumstances is ordinarily presumed to be acting under the coercion of her husband, I will only quote another authority from the same book—Lord Halsbury's Laws. 'If husband and wife act together in committing certain crimes, and the wife acts in the presence of her husband, there is a presumption that the wife acted under the coercion of her husband.' Therefore, this is what we call in legal language qualified immunity, and this is all that I ask for—a qualified privilege. In the previous explanation, it is an absolute privilege that I asked for the wife, namely, when she and her husband are alone, I ask for absolute immunity in accordance with English Law. In the next place, where she, her husband and his friends act together, I ask for qualified privilege for the wife. If the Court or the sanctioning authority has reasonable grounds for believing that the married woman acted under the influence of her husband:

Then the last amendment is this:—

'Where the illegal act or illegal means does not amount to an offence no party to any such agreement commits an offence, under this section, unless he knows or has reason to believe that the act or means is illegal.'

"I put this in order to shew that the presumption that every man is presumed to know the law of the land should not be carried too far. In other words, this amendment follows the principle often adopted in the description of penal acts in the ordinary criminal law. In certain offences under the Indian Penal Code, we very often find the expressions 'intentionally,' or 'having knowledge,' or 'having reasonable grounds for believing,' and so forth. Those three expressions often occur. Similarly here, certain persons might be most unwittingly party to the agreement without knowing that the act or to which they combine is an illegal act. I shall take one more instance. A number of young school boys are told by an adult who might know better that there is no harm in having a game of football in a neighbour's ground upon which there are no crops. They all combine here and they do combine to do what I call an illegal act in the sense that they go and trespass upon a neighbour's land without his consent. What I mean is, that instead of leaving it to Judges and Magistrates, we should provide in the section that where persons do combine to commit an illegal act, let not that presumption, that persons are supposed to know all laws applicable to offences."

The Hon'ble Mr. KRISTNA:—"Sir, the Hon'ble Member proposes to insert four distinct explanations on matters of some technicality. I am sure the Hon'ble Member, if he gives a little more consideration to the subject, will see that there is no reason to alter the ordinary principles that are already enunciated by the Indian Penal Code in these matters. I propose to say a few words on each of his explanations.

"The first explanation he asks us to insert in the Bill is this:—

'An agreement is not an offence within the meaning of this section unless two at least of the persons so combining are both capable by law of committing an offence.'

"Now to insert that proposed explanation would be to alter the general principles of the penal law which are to be found in the Code, including in particular the law of abatment. The Penal Code as it stands contains an enunciation of the principles applicable to this particular matter. There are four sections of the Penal Code which deal with classes or cases of persons who for one reason or another are immune from the ordinary doctrine of responsibility for crime. The first is the case which the Hon'ble Member has referred to, children under seven years of age. There is total criminal irresponsibility or immunity from liability in respect of acts done by them which, if done by any other individuals, would be crimes.

"Then there is the case of children above seven and under twelve. Any such child who does not understand the nature and consequences of his conduct is also criminally irresponsible for any act for which an adult would be responsible. The third class is that of persons who have been proved to be of unsound mind; they are exempted from liability.

"The fourth class is that of persons who are under the influence of intoxication involuntarily incurred; when drugs have been administered, or alcohol, so as to cloud the understanding, so that the individual does not know what he is doing.

"The proposed explanation asks us to say that the agreement is not an offence within the meaning of this section unless two at least of the persons so combining are both capable by law of committing an offence.

"The Hon'ble Member had in mind the possible but not probable case of one individual who is an adult of full age and understanding entering into an agreement with one other individual who is subject to one of these incapacities. In that case the Hon'ble Member would by his explanation exclude a person of full understanding, an adult of normal temperament from any criminal responsibility altogether.

"The Code itself already deals with the matter, and I venture to think that there is no need whatever to supplement it in any way its provisions. The effect of it is that a person who is not in one of these classes, persons of criminal irresponsibility, were to agree with a person who is within one of these classes to do an illegal act, the former could be indicted for conspiracy, and the latter would be immune from responsibility. So that as the law stands at present, arguing from the analogy of cases of abetment, a person who is not within one of these classes who are criminally irresponsible, if he enters into an agreement with a child under seven years of age, a case to which the Hon'ble Member referred, the result would be that there is only one party to the agreement who is a normal individual for the purposes of the criminal law. He would nevertheless be liable to the criminal law of conspiracy as he is at the present moment to the criminal law of abetment. The other individual would not be affected at all. The ordinary principles of law with regard to persons of unsound mind, intoxicated, etc., to which the Hon'ble Member referred, would not be touched by the provisions of this Bill at all

"Now I want to tell the Hon'ble Member, I think he ought to know, as a matter of fact that the explanation which he gives does not quadrate with the English Law of Conspiracy when he says in Explanation I that 'an agreement is not an offence within the meaning of this section unless two at least of the persons so combining are both capable by law of committing an offence.' If he turns to the well-known case of Regina v. Whitchurch, he will find the result of the English law is this that a person may be indicted for conspiracy though in the circumstances of the case he was incapable of committing the act which was the object of the conspiracy.

"The Hon'ble Member proposes by this explanation to alter the common law of conspiracy as it stands. I propose to show the Hon'ble Member that there is no reason to insert this explanation. If we do insert the explanation, we shall be altering the English Common Law of Conspiracy, and we would be altering the Indian Law of abetment. In the Indian Penal Code, section 108, third explanation, the Hon'ble Member will find this is the way it deals with the subject of abetment in the circumstances which he is dealing with in his proposed amendment:—

"'It is not necessary that the person abetted should be capable by law of committing an offence,' and yet the Hon'ble Member wants to put in an explanation which would run counter to the provisions of the Indian Penal Code in the case of abetment.'

"There is an illustration given, namely, 'A with guilty intention abets a child or a lunatic to commit an act which would be an offence if committed by a person capable by law of committing an offence.' Here, A, whether the act be committed or not, is guilty of abetting an offence. The Hon'ble Member asks us to say by our present law that he should not be guilty. So on that point I have no hesitation in saying that the explanation is not only needless, as the other following explanations are, but it would be in derogation of the existing provisions of the Indian Penal Code. These principles should be left untouched.

"The second explanation is that 'an agreement is not an offence within the meaning of this section if the persons so agreeing are related to each other as husband and wife.'

"Here again, to insert this explanation would be to alter the general principles of the criminal law in India as laid down in the Indian Penal Code. The English law notoriously differs in some respects from the law of India in its treatment of husband and wife from the point of view of the criminal law. In the English law, the relationship of husband and wife affects the criminal liability of the wife, even in some cases of the husband. For instance, it is perfectly true, as has been stated by the Hon'ble Member, that in the conception of criminal law in England the husband and wife being in law one person, it has been held that conspiracy by them alone to do an illegal act is not a criminal conspiracy for which they could be indicted. But, on the other hand, it is also equally well known in the English Law of Conspiracy, that the husband and wife may both be indicted for conspiracy for conspiring with other persons to do an unlawful act. If we accepted this explanation, we should have that rule given the 'go-by' to.

"We must keep in mind that this measure which we are now introducing has for its object merely the insertion of a particular class of offence as it obtains under the English law. But it does not propose to alter the general principles of the Indian Penal Law as laid down in the Code.

"I want to draw the special attention of the Hon'ble Member, in dealing with the proposed amendment, to the fact that this English doctrine to which he has referred that husband and wife are one person in law finds no place whatever in the Indian Penal Code. As I said, it is not the scope of the present Bill in any way to affect the general principles which are laid down in that Code.

"I will again give the Hon'ble Member one very simple illustration, and I think the Council will agree that it is certainly a case which should be met by the law which we propose to introduce, and not by the rule of law which he would have. Now take this case as an illustration of the working of the Bill as it would work, in the event of its being left alone unhampered by this ill-called explanation of the Hon'ble Member. A husband and wife agree together to decoy or entrap a third person and to kill him. Will the simple position would be, under the law as the Bill introduces it, that the offence would be, one of criminal conspiracy, and the husband and wife would be capable of being indicted for conspiracy to murder. I venture to think that there could be no reasonable objection to that being so. So much for the second of the explanations which the Hon'ble Member proposed.

"The third explanation he asks us to insert is this: 'Where there are reasonable grounds for believing that a married woman became party to any such agreement by reason of the influence of her husband, she commits no offence under this section.' With all respect for the profundity of

the Hon'ble Member's legal attainments, I say that he has asked us to accept this explanation without a just appreciation of what the principles of the English Law on the subject are. He, undoubtedly, in framing the wording of this explanation, had in his mind the doctrine which he has just referred to from a well-known text book as to the presumed coercion of a married woman by her husband. But here again I want to point out that if this explanation were inserted, it would alter the general principles of the Indian Penal Code, for this reason that the English Law and the Indian Law are not on the same footing with regard to the general principles as regards the criminal responsibility of husband and wife in matters of crime. Now the Hon'ble Member quoted from that well known text book these words: 'If husband and wife act together in committing certain crimes, and the wife acts in the presence of her husband, there is a presumption that the wife acted under the coercion of her husband, and if she is tried for such an act, she is *prima facie* entitled to acquittal.' That is so, but even in reading that quotation the Hon'ble Member refrained from completing it. He refrained from telling the Council that the quotation goes further and states that this is only a doctrine which is limited in its application and applicable only to certain well ascertained crimes in the English Law, such, for example, as the crimes of theft or receiving stolen goods, and so on. The immunity which results to the married woman from the doctrine of the law, the so-called presumed coercion of the wife by the husband, is limited first of all to acts which are done by the wife in the presence of the husband, then further, it is limited only to certain classes of cases. The more important classes of cases are excluded altogether from the operation of the rule, and the doctrine of presumed coercion, which the Hon'ble Member has referred to does not apply as he will ascertain and find in the text book—following upon the very quotation which he has given—he will find that this somewhat artificial doctrine of the English Common Law has been held not to apply to cases of treason, murder, assault, and a whole series of other crimes. So that in stating it as a general proposition, which he is doing in his explanation, he is going far beyond the limits of the somewhat artificial doctrine of the English Common Law on the subject. Moreover the Hon'ble Member refrained from mentioning what is undoubtedly the fact that this presumption of the English Common Law, in the case of a crime committed by a wife acting in the presence of the husband, is merely a *prima facie* presumption and is rebuttable by evidence in any particular case. The mere fact of proof of the crime being committed in presence of her husband, if the offence is within the limited category to which the doctrine is held to refer, would result in immunity from criminal responsibility. But it is capable of being, as I said, rebutted by evidence that the wife was the actual instigator or the chief party to the act.

"Again this doctrine has not been introduced at any point into the Indian Penal Code owing to local conditions and customs and for reasons which were no doubt well considered by the legislators of the period. This artificial conception of the English Law finds no place in the Indian Penal Law.

"In conclusion, with regard to this point that has been made by the Hon'ble Member, I should like to add that no injustice results, or can result, or is likely to result from the absence of this English Common Law doctrine in regard to a wife being liable for crime, because if, in fact, in any particular case, a wife acts under the compulsion of the husband, that is always, under the Indian Law a defence. If, in fact there is any compulsion or threat by the husband to the wife resulting in crime by the wife, then she has got a complete defence in law to any charge of crime. Therefore I say that this explanation 3 is needless and is unnecessary for any protective purposes.

"Then there is one other explanation put forward in regard to which I should like to say a few words. The Hon'ble Member puts forward this explanation IV—he asks us to insert the explanation which runs as follows:—'Where the illegal act or illegal means does not amount to an offence, no party to any such agreement commits an offence under this section unless he knows or has reason to believe that the act or means is illegal.' Well, the meaning of that is, to put it in a popular way, merely this, that an act done in good faith under a mistake of fact is not to be regarded as criminal. That is undoubtedly an excellent principle. But the answer to the Hon'ble Member when he asks that this explanatory statement should be inserted is this, that there is no need whatever to insert this explanation inasmuch as if he turns to section 79 of the Indian Penal Code, he will find that this is embodied already as a general principle of the criminal law. Section 79 says:—'Nothing is an offence which is done by any person who is justified by law, or who by reason of a mistake of fact and not by reason of a mistake of law in good faith believes himself to be justified by law in doing it.' That directly enunciates the principle which the Hon'ble Member proposes to embody in his explanation.

"There is a great deal of misconception as to the meaning of this legislation, based upon misapprehension of the general principles of the Penal Code which underlie all offences whether of conspiracy or otherwise. If there were a just appreciation of these principles, many criticisms which have been urged against this Bill would not have been put forward at all. Take for instance an illustration that has been put forward. The case was put in this way. A municipal meeting decides, as it was said, to take possession of certain roadside land, and proceeds to stack metal upon it, the Commissioners will do it was urged by the critics of the Bill, be criminally liable under the new law if the land turns out to be private land. Of course that is an entire misconception of the law. The answer to that is that, if by reason of a mistake of fact the Commissioners do an act which in good faith they believed that they were legally justified in doing, they would be perfectly immune from any criminal responsibility whatever. Under section 79 of the Indian Penal Code, no offence has been committed in that case and that and other sections were overlooked by the critics who have been urging that this measure introduces all sorts of possibilities of offences being charged when none were intended. It would be undoubtedly a serious criticism if it were not capable of complete refutation by those who understand the matter. There is no reason whatever for inserting this proposed amendment."

The Hon'ble Mr. VIJIARAGHAVACHARIAR:—"Sir, on the last two occasions I congratulated myself, perhaps a little too prematurely, that the Hon'ble Advocate-General agreed with me. I am very sorry to find that this statement of mine has put him somewhat on his guard, and he has played a brilliant game of hide and seek with me just now.

"When what I say is exactly English law, he says 'do not look there, look to India.' And where what I say is already in India, he says 'oh no, no, this is a limited doctrine in England.' So he dissipates my amendment between England and India. This is a new style of argument, and I am unable to cope with him exactly.

"Now, take this case of husband and wife, he says I have correctly stated the law in England, but that this has not been introduced into the Indian Penal Code. I thought all the while that the Hon'ble gentlemen opposite were anxious to fill up the great gap in the Indian Penal Code. You want to introduce a new structure, because there is a gap, a gap left by a brilliant array of men from Lord Macaulay downwards, and in filling the gap you say 'I do not find this or that in the Indian Penal Code'! Leave the whole of the gap alone; that is what I ask you. But you say you are going to fill up the gap with a beautiful English structure of venerable antiquity, and yet you say you will leave out some points because they are not in the Indian Penal Code! I must say, and I mean no disrespect, the distinguished Advocate-General was not very happy in the case he was called upon to advocate against me.

"Now, I will take the points one by one. As regards the first explanation which I wished to move, it was that both conspirators must be capable of committing a penal offence individually. Now as to that he meets me by saying 'it is not in the law of abetment.' We all know that in the case of abetment it is an act capable of being committed by a single person, and the instance he gave, namely, using a child, is perfectly intelligible. There the child is used as a stick might be, for instance if a man capable of committing a crime sends poison by means of a child to be administered to another man, he uses the child not in the sense of agreement with the child; no agreement is intended with the child. He uses the child very much like a dog or like a stick or like anything else. One can perfectly understand that. Now we were told with a flourish of trumpets that the essence of the agreement consists in two or more persons agreeing. When I ask you to let it be a reality, you say 'go to the law of abetment.' If the other person with whom I am to agree is incapable of committing an offence under the law, you may as well say I may agree with my wall or with my table. What is the principle involved in this? The principle involved is where a man cannot commit a crime individually the criminality arises from federation, from combination, and the greater the number of the persons who combine, the greater is the danger to society. It is for you, Sir, and the Hon'ble Members really to say whether the Hon'ble the Advocate-General has fairly and candidly met me on that ground. It would be a mere fiction to say that an agreement is a conspiracy where two persons agree of whom one of them understands not any agreement, of whom one is not a responsible being of society, of one of whom society says I will excuse you whatever may be the crime you might do' on account of his immaturity of intellect, or on account of his being an idiot or anything else. From the reply given to me by the Hon'ble The Advocate-General, I repeat, he could not have been happy in taking me to the law of abetment when the essence of the principle of this offence is an agreement between two or more persons capable of committing a crime.

"Sir, the next amendment is about the law between husband and wife. I cannot understand why it is opposed at all. It is opposed because it is not in the Indian Penal Code; it is not there recognised. But I will call the attention of the Hon'ble the Advocate-General to one important provision in the Indian Penal Code—I forget the exact section, but it is the case of harbouring. Harbouring is made an offence in the Indian Penal Code, but where a wife harbours a husband or a husband harbours a wife, the Indian Penal Code excuses this kind of harbouring from being a criminal offence. I think it is section 212 of the Indian Penal Code—it is a long section, I need not read it, it relates to the offence of harbouring. I will read only the first sentence. 'Whenever an offence has been committed, whoever harbours or conceals a person whom he knows or has reason to believe to be an offender, with the intention of screening him from legal punishment, shall', etc. (It prescribes certain punishment.) The explanation to that is this. 'This provision shall not extend to any case in which the harbouring or concealment is by the husband or wife of the offender.'

"As stated therefore the statement of the Hon'ble The Advocate-General that this relationship between husband and wife is not recognised by the Indian Penal Code will have to be limited by the existence of this explanation to section 212 of the Indian Penal Code. There the law distinctly recognises the high importance to society of conjugal relations between husband and wife, and it is such that under those circumstances it is not deemed for the good of society that what would be an offence of harbouring among strangers should not be deemed an offence between husband and wife. Why, Sir, I need not go into the ecclesiastical doctrine of those words husband and wife constituting one person. It is not altogether a fiction or a poetical fancy. It is recognised and acted upon in view to the best interests of society. It would look like reading a sermon if I go into this question of the relationship of husband and wife. If it is so in the best interests of society in England, I respectfully claim that it would be to the best interests of society in India, and I also say that it is far more necessary, Sir, in India than in England. In India the doctrine that every man's house is his castle, that the King cannot enter it except in the name of the law, does not seem to apply. Here any policeman, under any pretence whatever, can enter the inmost recesses of the house and he can arrest any person.'

"My amendment will save the wife from rude hands in the investigation of very many of these new offences. We have a large class of cognizable offences as to which no sanction is needed under the new Criminal Law. I just want by means of my amendment to secure that the home of the cultivator and his wife should be left unmolested, otherwise more milk, more eggs, and more vegetables will flow from the cottage into the hands of the policemen. That is my object in proposing my amendment. Therefore, Sir, I believe that I propose this amendment in the very best interests of society, and if it is true, as the Hon'ble the Home Member said, that the teeming millions of India, the drawers of water and the hewers of wood are under the special protection of Government, I cannot possibly understand how they can resist it with any show of reason. That is my amendment, and I leave it to you, Sir, how far my amendment can be said to be unreasonable. We are told nothing except the fact that it is not in the old Penal Code. The old Penal Code has gaps which the Home Member assisted by his brilliant advisers is now trying to fill up.

"My next question is about the wife being considered not quite a voluntary agent in the presence of her husband. That also is closely connected with the other amendment, whatever be the origin of it, as a rule the wife occupies even in England a subordinate position to her husband. It may be different if Mrs. Pankhurst succeeds. Even in enlightened England the wife occupies a subordinate position. In India she occupies a more subordinate position still. In these circumstances, her position is entitled to be taken by society into consideration in dealing with so attenuated an offence as conspiracy. I ask you gentlemen how many wives will say if I am going to play in my neighbour's field 'Oh don't.' How many wives will say that it is trespass. How many wives will prevent their

husbands from carrying out their intention to upset on their neighbour's fields. Therefore, gentlemen, in these circumstances, we had leave our wives alone. Let us not allow the policeman to carry off the wife with the husband into the tannah pending further investigation and to be remanded to jail at the rate of 14 days at a time in the meantime, everything in the house including children being deserted. Protect the house from the invasion of policemen on the merest pretext. That is my amendment, my Hon'ble friend the distinguished Advocate-General has said that the fact that the wife is under the influence of the husband is defence in a criminal case. I shall be extremely obliged to him if he will tell me where he derives that law from. I believe—I do not profess to have studied the criminal law of India well—I believe that this statement of his needs revision. It is not accurate to say that a wife, any more than any other person, if she commits a crime, can put forward as her defence the fact that she did so under the influence of her husband. I have heard it for the first time in my life, and I shall be very glad if the Hon'ble the Advocate-General, as the advisor of Government, will tell me where that law is contained. There is only one section in the Indian Penal Code which tells us what necessity will excuse persons when they act under the influence of others, and that is section 94, which says that, except murder and offences against the State punishable by death, nothing is an offence which is done by a person who is so compelled to do it by threats which at the time of doing it reasonably caused the apprehension that instant death for that person would otherwise be the consequence. The point I wish to emphasise is, that no kind of threat, no kind of danger, will excuse a man from committing murder or a State offence punishable with death. As regards the other offences, the law states that if there is apprehension of instant death, then the man is excused. For instance, a number of burglars go and compel a smith with the threat 'You must either take your tools and go with us and open the door of that man's house or we will kill you on the spot.' Then the smith if he takes his tools and assists the burglars in opening the door, that man is excused because between his death and the robbery of the property of his neighbour society recognises that the man is entitled to his life. That is the principle involved there, but even this principle society declines to recognise in the case of murder, or in a State offence punishable with death—rightly enough. If it is a question of taking somebody else's life or your own life, society says take yours. But in inferior offences if the man is obliged to save his life, society says 'Save your life.' I fail to see wherefrom the learned Advocate-General got the law, that a wife can plead as defence her position as such in the case of criminal trial. Unless and until he is pleased to inform me and give me that information, I am obliged to say that it is a statement which he will probably revise.

"As regards the learned Advocate-General's observation on the last clause, he quotes section 79 of the Indian Penal Code. Here again—I proceed with great diffidence and great humility because I feel and in all sincerity recognise that when there is a doubt, his opinion must prevail, but I do not think he is absolutely on safe ground when he says that section 79 will protect an accused person. I believe it won't in every case. 'Nothing is an offence which is done by any person who is justified by law or by reason of a mistake of fact and not by reason of a mistake of law in good faith believes himself to be justified by law.' I respectfully submit that what the Advocate-General said will not apply to the case in question. For instance, if a man attacks me, the law as to the right of private defence allows me to use force; if I use that force, I commit no offence. The next section, which is more important, would only excuse a man, if at the time he commits the offence he labours under a mistaken of fact and not a mistake of law. That, I think, the learned Advocate-General by oversight did not tell us. Take the case which I have already put before you, namely, that of students going and sporting upon another man's field.

"Sir, the older men tell them 'this is the neighbour's land, never mind his consent, go and play there—we don't mean to injure his land.' There is no mistake of fact there; the land belongs to some neighbour and he does not give his consent. They go there in defiance of the law, or in ignorance of the law. How does the question of mistake of fact arise? There is no mistake there. It is very necessary in every society to protect school boys except when they knowingly commit offences. That is all my amendment, namely, that when entering into an agreement, children, boys and women must know exactly that they go to sport in a neighbour's field, without his consent, and that the act would furnish matter for a civil action. For all these reasons I think my amendment has something to recommend it."

The Hon'ble Sir REGINALD CRADDOCK:—"For the reasons given—."

The Hon'ble Mr. VIJIARAGHAVACHARIAR:—"Sir, I thought that they had already spoken and therefore I replied."

The PRESIDENT:—"You have had your chance of replying. You have replied to the Advocate-General. The Member in charge has in any case the right of getting up again after you have done."

The Hon'ble Sir REGINALD CRADDOCK:—"Sir, I was only going to say on behalf of Government that I cannot accept this amendment for the reasons given by the Hon'ble the Advocate-General."

The amendment was put and negatived.

The Hon'ble Mr. VIJIARAGHAVACHARIAR.—"Sir, my next motion is that after clause 3 of the said Bill the following clause be inserted, namely:—

'After section 191 of the Code of Criminal Procedure, 1898, the following shall be inserted, namely:—

'191 A. Where a Magistrate takes cognizance of an offence punishable under section 120 B of the Indian Penal Code upon the complaint or authority or with the consent of a District Magistrate under section 196 A of this Code, the accused person, or where there are more than one accused person, any of them, may demand that the case shall be committed to the Court of Sessions, or transferred for trial by a competent Court in some other district.'

"Sir, in asking for the adoption of this amendment I will briefly explain that the principle I wish to enunciate is neither new, nor does it imply any reflection on any authority. It is a well-recognised principle of the Indian Criminal Procedure that a Judge who sanctions the prosecution of a case cannot try it either originally or on Appeal. It is also recognised by law that where the person presiding over a Court has any kind of interest—that interest need not necessarily be personal—in the subject matter of the trial, he is ordinarily precluded from trying the case. I borrowed this principle somewhat from the provisions of section 191 of the Code of Criminal Procedure. In India criminal laws are put in motion in three or four ways for cognizance by Magistrates in view

to the administration of criminal justice. One is upon the report of the Police in the case of what are known as cognizable offences. Police officers investigate these offences and when they believe that the case ought to be tried, they put up a report upon which the Magistrate takes what is called cognizance, and if it is a case triable by the Sessions Court or the High Court, he holds a preliminary inquiry and commits the accused; if it is a case triable by him, he tries the offender and acquits or convicts him in the end. This is one method.

"The next is a complaint by a private person, he need not necessarily be the injured person, he might be the father, brother or husband, or simply interested in the redress. This is called taking cognizance upon the complaint of a private person. The third is upon information, that is a person having no interest except that of humanity. As we walk along we see a person A robbing and injuring Z. I walk to the nearest Police-station and give information that I found A robbing or injuring Z. In the fourth case a Magistrate himself takes cognizance of an offence upon his own suspicion or knowledge. With this last, section 191 deals. A Magistrate takes cognizance in this last way, in case a process, it may be a warrant, it may be a summons, brings the accused person before him and asks him to take his trial for the offence, so and so. Then the law compels him to tell the accused person, 'I have taken this case on my own suspicion or my own knowledge, and that it is open to the accused to submit to a trial by himself or to demand that he be tried by some other Court or by the Sessions Court.' This is section 191. The principle there recognized is that a person who brings up an offender before himself on his own suspicion or knowledge is in all probability not likely to be free from prejudice, to be free from bias. Therefore when any Magistrate has suspected a particular man of being an offender and on his own initiative has brought him up before him, then the law contemplates it is not likely that the trial before him would be in the highest degree fair. There is also another aspect which may be brought to notice. The law recognizes not only that as a matter of fact the trial held and the justice rendered should be above suspicion, but that the accused, if possible, and the public should feel it as such. It is very necessary for the due administration of justice, for the real prestige of Government that not only true justice should be administered, but that the public should accept this administration of justice as being beyond a shadow of suspicion.

"On these two grounds the principle enunciated under section 191 is based, viz., that the administration of justice should be not only in fact pure but that it should be accepted as pure by the persons concerned and by the public at large. Now I base the principle of this amendment upon this; when a District Magistrate gives sanction, he does so, I take it, after some inquiry, and after forming some opinion upon the materials placed before him. I believe that it won't be a haphazard sanction. To have the case tried by a Magistrate who is subordinate to him is in the highest degree unsafe, because it is placing before the subordinate trying Magistrate the very same materials, and it is asking one of his subordinates to take a different view from the District Magistrate. The District Magistrate may or may not have heard the person accused. It may be that there may be rebutting evidence, or it may be that the examination of the materials upon which sanction has been accorded by the District Magistrate may appear in a different light to his subordinate. As a matter of fact, however, there would be an unconscious endeavour on the part of the subordinate Magistrate who is placed in the hands of a District Magistrate for his prospects and promotion, and what not; there would be a sort of unconscious, inherent feeling to say 'if possible, let me agree with my superior who has given sanction.' For this reason it is that I ask that an accused may ask for trial by a competent Court in some other district than the one in which the offence has been committed. My amendment does not say trial by him is illegal; it simply says following the principle enunciated in section 191 that this case ought not to be tried in a district, where sanction has been given by the District Magistrate, by one of his subordinates if the accused objects to it. He might commit or it might be reported for the orders of the High Court to be transferred to a different district."

The Hon'ble Sir REGINALD CRADDOCK:—"Sir, I am afraid that I cannot accept this amendment on behalf of the Government, and I think also that it is really an unnecessary amendment. Section 191, to which the Hon'ble Member has referred, provides that where a Magistrate has taken cognizance of an offence upon information received from any person other than a police officer, or upon his own knowledge or suspicion, in such cases the accused may object to being tried by the Magistrate, and the case can be committed to the Court of Sessions or transferred to another Magistrate. Now the mere fact that the District Magistrate has given his consent to the institution of these proceedings would not deprive the accused of his right to be tried by another Magistrate, if the Magistrate who was going to take the case had wished to take cognizance of it on his own knowledge or suspicion, and had then asked the District Magistrate to signify his assent to the initiation of the proceedings. The rights of the accused would be just the same as they were before; nor is the Hon'ble Member correct in thinking that the sanction intended, the consent in writing of the District Magistrate, implies any sort of inquiry into facts of the case, as to whether there was a conspiracy or whether there was not. All that he has got to do is to signify by his consent that the case is one in which a prosecution for conspiracy, in preference to some other method, would be justifiable in the public interests. I should like, Sir, to express with some firmness the view which I would like the Council to accept, that the theory that the new offence of criminal conspiracy has got something extraordinary about it is absolutely incorrect. It is just like any other offence. The same rules of evidence, the same procedure and the same privileges to accused persons will exist as in the case of abetment of offences or in the case of any offence known to the criminal law. The safeguards which we have accepted are intended to prevent proceedings being instituted vexatiously, or without due consideration. But when once proceedings are instituted, there is nothing to differentiate the trial from any other trial. The Criminal Procedure Code bristles with safeguards to secure accused persons an impartial trial, and the idea that any extraordinary safeguards are necessary for the trial of persons charged with conspiracy is not one that I can recommend to this Council. For this reason I am unable to agree to the amendment which the Hon'ble Member has proposed."

The Hon'ble Mr VIJIARAGHAVACHARIAR:—"Sir, I am exceedingly obliged to the Hon'ble the Home Member for his statement that the consent of the District Magistrate will be given without an inquiry. I have all along thought so, and I shall have occasion to make use of his admission when I make my remarks upon the final motion that the Bill be passed into law. I hope, Sir, you will

remember it, and I hope Hon'ble Members will also remember it, that the so-called sanction will not follow any inquiry by the District Magistrate. It is always that what applies to the District Magistrate will also apply to the Local Government and the Indian Government that sanction will follow no inquiry. I have all along thought so; when several gentlemen have tried to persuade me that the safeguard was sufficient, I have always told them these safeguards are a mere illusion. I am extremely obliged that in opposing this amendment of mine the Hon'ble the Home Member has made this valuable statement. I can only beg and pray him not to recede from the position he has taken to-day; and I wish to have it registered and well remembered by Hon'ble Members.

"Then, Sir, as regards the amendment itself I cannot understand why it is opposed at all. I only suggested it as an enabling section. In the present state of things in this country, we find on the one hand that Government still requires the unnatural combinations of the judicial and executive; on the other hand, there is the undoubted fact that even a first-class Magistrate is in the hands of a District Magistrate for his promotion and prospects generally, and even for his confirmation as a first-class Magistrate, and he is at once the subordinate of the District Magistrate, not only in his capacity as Deputy Collector, Assistant Collector, and so forth. All that I say is that there may be cases where it will be necessary, as well in the interests of the trying Magistrate as in the interests of the accused, that this power should exist in the law. That is all my amendment, and I believe the Hon'ble the Home Member does not say that it would cast a slur upon any body. I have borrowed the principle from the existing law, and yet it is opposed. I press the amendment for the consideration of the Council."

The Hon'ble Sir REGINALD CRADDOCK:—"Sir, may I just be allowed a word of explanation? The Hon'ble mover of this Amendment seems to have misunderstood what I did say about the inquiry. What I said was that the section about the consent of the District Magistrate did not lay down that any judicial inquiry was necessary. Of course, no executive officer, giving his consent in a case like this, would consider himself debarred from making any such inquiry as to the circumstances which he thought necessary, in order to justify him in giving the consent; but the Bill does not contain any provision which suggests that he should have to make any preliminary inquiry of a judicial nature into the truth of the conspiracy."

The amendment was put and negatived.

The Hon'ble Mr. VIJIARAGHAVACHARIAR:—"Sir, I beg to move the next amendment standing in my name—

'That in clause 5 of the said Bill, sub-sections (1) and (2) of new section 196 A, except the words "unless upon complaint made by order or under authority from the Governor General in Council, the Local Government or some officer empowered by the Governor General in Council in this behalf" be omitted.'

"I beg permission to analyse the safeguards provided by the Select Committee. I wish to analyse them for two reasons, to show the volume and value of the statement made and repeated, in season and out of season, that ample safeguards have been provided; that we estimate the value of that statement at its proper worth. What is the nature of the safeguards? It is necessary for me to divide the provisions as to sanction or complaint into three or four parts. There are three clauses relating to sanction, and one portion which authorises the police to investigate the offence of a conspiracy without previous sanction or complaint. These are called cognizable offences in the new schedule. Now there are certain offences mentioned in the Criminal Procedure Code as to which the prosecution cannot be started except by sanction of Courts of justice and also of certain officers, including revenue officers, because those offences are committed in relation to certain proceedings in these Courts, whether criminal or civil or revenue Courts, and before or in relation to those officers. That is referred to in section 195 of the Criminal Procedure Code. It says that no Court shall take cognizance of any offence punishable under sections 172 to 188 of the Indian Penal Code except with the previous sanction or on the complaint of the public servant concerned, or of some public servant to whom he is subordinate."

"The next clause relates to various kinds of perjury committed in a Court of justice, and also the launching of false cases in a Court of justice.

"Then the next relates to forgery and use of forged documents. These are all the offences under section 195.

"By a later enactment, not merely the commission of these offences, but the abetments of such offences and attempts to commit such offences were added to the list. Now most naturally we are merely adding a fourth category, namely, conspiracies to commit these offences. This is concession No. 1 safeguard No. 1. That is to say, a number of offences already exist as to which the Criminal Procedure Code says the initiation of a prosecution requires the sanction of Courts and certain public servants and not only as to those offences, but as to attempts to commit those offences and abetments thereof sanction by law is provided. Now the Hon'ble the Home Member and the Select Committee have put in there a conspiracy to commit those same offences and they are very very proud of it.

"The next section, namely, s. 195, relates to State offences. No Court shall take cognizance of any offence punishable under Chapter VI of the Indian Penal Code, with some exceptions, 'unless upon the complaint made by the order of, or under the authority of, the Governor General in Council, the Local Governments, or some officer empowered by the Governor General in Council in this behalf.' Here also the conspiracy to commit those offences is placed in this category. Section 196 does demand sanction of certain recognised authorities mentioned therein for the initiation and prosecution of the offences specified in it. All that the Bill does is to use the theosophical language of the Hon'ble the Home Member to put the new offences on the same plane with those offences. Then what have we left? In the case where the object of the conspiracy is to commit any non-cognizable offence, or a cognizable offence not punishable by death, transportation or rigorous imprisonment for a term of two years or more, the law provides previous sanction or complaint. Thus this new clause as to sanction relates to the new offences and also to some old offences in this way. Firstly it relates to the new offences which did not exist before, I mean to a portion of the new offences, and to some of the old offences to this extent, namely, conspiracies to commit non cognizable offences and also the small number of cognizable offences punishable with less than two years' imprisonment.

"Now what I propose is that the whole list of the cognizable offences, that is, conspiracies to do any such offences, should require the sanction of the authorities mentioned already if society is to be safeguarded at all against vexations and false charges. Now a word as regards non-cognizable offences. All the Hon'ble Members may not be aware of what is meant by non-cognizable offences. Non-cognizable offences are offences the prosecution of which cannot be initiated by the police. The police have no power to arrest persons who commit non-cognizable offences. They have no power to enter and search their homes; and they have no power to put up reports before Magistrates in view to prosecution. Therefore non-cognizable offences may well be left as they are, and prosecutions for such offences may, as now, be instituted by private persons injured or by other private persons on their behalf, or even by a Magistrate on his own knowledge or on information given to him. In these cases there is one very important guarantee and one important safeguard. At the initial stage a private person cannot, when he launches a case and induces a Magistrate to issue a process, enter a home, he cannot handcuff persons, he cannot search property or persons. We have therefore an inherent safeguard. We want very little protection in the case of non-cognizable offences. There the Hon'ble Home Member and his advisers say 'we give you protection'. Where we do not want protection, they provide ample protection. We have two remedies in cases which are non-cognizable. In the first place, a man who starts the case may be criminally prosecuted if the Courts come to the conclusion that the case launched by him is false. That is one of the sections provided for above. If he also gives evidence, one can prosecute him for perjury as well and get him convicted; if without giving evidence he launches a case and prosecutes it, then for having made a false charge one can get him convicted.

"And we have an additional remedy against those persons. In the case of non-cognizable offences. We have the remedy of damages. If a man brings a false charge against one, whatever be the result of the case in Criminal Courts, one can go to the Civil Courts and recover damages against him. These two remedies we have against private individuals. But we have no remedies against the police if a policeman comes to arrest you on a false charge. I have not yet heard of a policeman being prosecuted for having brought a false case. If the law does not protect them, the administrative machinery protects them. So in the case of the policeman, you have no remedy if cognizable cases are launched falsely. Omit the non-cognizable offences as to previous sanction, if you please, but let us have the safeguard of previous sanction for prosecutions for conspiracies to commit offences which are cognizable as principal offences. Therefore, this provision as to sanction is large in volume, but not in its value. Give us this if you like, but let us have something tangible and really useful. And then we have sanction for cognizable offences, punishable with less than two years' imprisonment, that is to say, those offences which would not invite the policeman or make it worth his while to investigate. It won't add to his kudos; he won't be made a Rai Bahadur if he successfully investigates and brings to light these petty offences. You say we have sanction to get from the Governor General in Council downwards. A policeman won't be tempted into going into our homes in view to prosecute petty offences. If you have to sift these petty offences to get sanctions, I have no doubt sanction will be given as a matter of course. I don't believe there will be much of any scrutiny. Unless we multiply the number of Members of the Executive Council ten times and the Secretaries twenty times, it is impossible to investigate each case on its merits for the purpose of sanctions. And it would be practically placing the country under the Criminal Investigation Department or any other department which might take its place in future. If the Government is really anxious to have on the one hand a law with which they could punish political conspiracies, and if it is at the same time anxious not to hand the people over to the police, let us have the safeguard in substance, namely, to save the people from the depredations of the police into their homes in the case of higher offences.

"I, therefore, respectfully submit that the new guarantees of which so much has been made in this Council and outside, are practically a delusion. We have guarantees and safeguards in the Indian Criminal Procedure Code. As to the additional safeguard provided in the Bill, it is big in volume, nothing in substance, and, therefore, I beg to move that this amendment may be accepted by the Hon'ble Council."

THE HON'BLE SIR REGINALD CRADDOCK:—"Sir, the Hon'ble Member's amendment is practically, as he says, to provide that no criminal conspiracy of any kind could be prosecuted without the sanction of the Governor General in Council, or an officer empowered in his behalf or by the Local Government. Well, Sir, we cannot possibly accept such a proposal. His main objection is to any kind of criminal conspiracy being cognizable by the police. Every objection that he has brought would apply equally to the existing law relating to the investigation of cognizable offences and to abatements of those offences. If these possibilities of oppression are open to the police under the existing law in cases of all cognizable offences, the same would be open, no more and no less, in the case of criminal conspiracies to commit those offences. There is no new addition to the terrors which the Hon'ble mover has referred to. The reason why the police are empowered to investigate serious and heinous offences without prior authorisation from the Court, is because there is no time for delay, and the same reason therefore applies to criminal conspiracies to commit those offences. I ask the Hon'ble Member whether if he were given information that two or three persons were plotting a crime against him—the crime of murder against him or some relative of his; if he were to go to the police and ask them to help him, what would they say? The police would say to him 'Sir, this is only a conspiracy to murder you; it is not cognizable by us; if you want us to do anything with these men, you must go to the Governor General in Council, if not, stay where you are. When you are murdered and your friends tell us about it, then we will be very glad to do what we can to help you.'

"That is the position which the Hon'ble Member has seriously asked the Council to accept—that because criminal conspiracy is put on the same basis as instigation, therefore, the whole of society will be overturned. I have never heard anything more extravagant or more preposterously absurd. Take an example of this kind.—A instigates B to murder Z, then the police may intervene. No harm apparently has occurred. But if A and B conspire to murder Z then if the police intervene the whole of society is to be upset, and the poor are to be trampled on. It is no easier to bring a false charge of criminal conspiracy than to bring a false charge of any other offence; and if any person does bring a false charge or criminal conspiracy, he can be punished just in the same way as if he brought

a false charge of any other offence. The whole object of this amendment, one might suppose, is to turn the Bill into a Bill for the protection of conspirators and to make the Council understand that the comfort and the convenience of conspirators is the one and only thing that we are considering in this Council. Sir, the Government cannot accept this amendment."

The Hon'ble Mr. VILLAR GHAVACHARIAR:—"Sir, I am exceedingly glad that in the warmth of his feeling the Hon'ble the Home Member used language which I may, perhaps, take care to remember and use as a charter. My amendment has been characterised as absurd. I have no objection to the language myself, but I only want sanction to use something half as strong in my remarks whenever it may be necessary. The gist of my amendment has been lost sight of by the Hon'ble the Home Member. The real complexion of the provisions relating to sanction has been ignored by him. What I say is, the guarantee provision has been made much of, and votes have been captured—I won't say in the Select Committee—by the use of the expressions 'guarantee safeguard,' 'safeguard guarantee'. Now I venture to state that the guarantee is a bubble, let us prick it, and it will be found without tangible substance really. I can't follow what has been said about a hypothetical attempt at a murder of myself. If anybody is so insane as to think it worth while to kill me, I won't think of applying to the nearest police-station to protect me. I respectfully submit it was not a fair argument to make at all. The objection is that where it is found necessary to provide safeguards in the law against the possible abuse of its provisions, it is not safe to exclude very serious offences from their operation, and I ask Government to extend that principle to such offences where it is that the law is really capable of being abused—where it is likely to be most abused.

"Sir, instead of meeting me on that ground, the Hon'ble the Home Member takes an analogy and says therefore he cannot accept my amendment. Take, for instance, State offences punishable under section 121. 'Whoever wages war against the Queen, or attempts to wage war or abets the waging of war, shall be punished with death or transportation for life and shall forfeit his property.' This is a most serious State offence. This by the existing law is non-cognisable. I do not think my argument will be absurd if I say, I place my value, my life far below what is intended in this section. Here waging war against the Queen which is punishable with death is placed beyond the reach of the policeman, for detecting an offence under section 121 he cannot invade any man's house; he cannot act if plots and designs are taking place therein. If he cannot act and catch these people in the matter of the most serious State offences, I should certainly be entitled to know why the new law gives him power to go and invade every house where petty conspiracies are suspected by him. Why should a policeman enter, if I merely agree to steal my neighbour's crops or calves? I respectfully submit that the opposition to my amendment is extremely unfair. These are sleight-of-hand tricks, and not at all a proper honest attempt to meet my objections."

The Hon'ble Sir REGINALD CRADDOCK:—"I protest against the use of an expression like that of the Hon'ble Member's."

The PRESIDENT:—"I trust the Hon'ble Mr. Acharlar will himself on reflection withdraw his remarks in reference to the Hon'ble Member. I am alluding to his remarks as regards 'tricks'."

The Hon'ble Mr. VIJIARAGHAVACHARIAR:—"I withdraw the word 'tricks', but 'sleight-of-hand' was used in this Council once before, and I meant sleight-of-hand-tricks when I used the word."

The amendment was put and negatived.

The Hon'ble RAJA SURENDRA NATH BANERJEE:—"Sir, I have the honour to move the amendment which stands in my name. In doing so I beg to state that I have the Hon'ble Home Member's authority to state that he has no objection to my making a small change in the amendment. I will read my amendment with the slight change:—

"I move that in the same section (196 A) for the words 'or a Chief Presidency Magistrate or District Magistrate' the words 'some *judicial* officer empowered' be substituted."

The Hon'ble MALIK UMAR HAYAT KHAN:—"I rise to a point of order."

The Hon'ble BABU SURENDRA NATH BANERJEE:—"I am in possession of the house and my friend has no right to interrupt me."

The Hon'ble MALIK UMAR HAYAT KHAN:—"I rise to a point of order. If that section is changed, it becomes a new thing altogether. Every Member has got a right of speaking on it."

The PRESIDENT:—"What is the attitude of the Member in charge of the Bill?"

The Hon'ble Sir REGINALD CRADDOCK:—"My attitude is this. That amendment as worded was sent in by wire. The Hon'ble Mr. Banerjee afterwards explained that he had omitted one word from it. It is quite true that that word was a very important one, but as he said it was an absolute accident, I accepted his statement on that point, and said I would not raise any technical objection that the amendment was not in time."

The PRESIDENT:—"Does the Hon'ble Member in charge of the Bill propose to accept the amendment either as it stands or in its amended form?"

The Hon'ble Sir REGINALD CRADDOCK:—"No."

The PRESIDENT:—"Then I think it is hardly worth while suspending the rules to admit of an alteration, because the result would be the same. The Hon'ble Member might be allowed some latitude in dealing with the amendment."

The Hon'ble BABU SURENDRA NATH BANERJEE:—"Thank you, Sir. This amendment has reference to section 196 A. This is a new section introduced by the Select Committee, and had no place in the original Bill. I think it is a distinct improvement.

"I have expressed my sense of appreciation of it. I do think it is a safeguard. Under that section before a Court of law can be moved in respect of a class of conspiracy cases, the sanction of superior authority is needed. In the case of a conspiracy to commit an illegal act, the sanction of the Governor General or of the Local Government is needed. In the case of conspiracies to commit a non-cognisable offence of a minor sort, the sanction of the Local Government or of the District Magistrate or Presidency Magistrate empowered in that behalf is needed. My amendment is with reference to the words 'District Magistrate and Presidency Magistrate.' The District Magistrate or Presidency Magistrate sanctioning the prosecution may have to try the case, or their subordinates may have to try

the case. I think it is mischievous in principle and condemnable in practice that the sanctioning Magistrate should also be the trying Magistrate. I may add that it is entirely inconsistent with those legal principles which are embalmed in the Statutes of the land or in the decisions of our law Courts. It is not open to a Court of justice sanctioning the prosecution of a person charged with perjury to try the offender itself. Further, a Court directing contempt proceedings cannot try the case. It seems to me to be desirable in the interests of these safeguards which the Hon'ble the Home Member is so anxious to render efficient, that the power to sanction should not be given to the District Magistrate or the Presidency Magistrate, and I venture to suggest that it should be vested in a judicial officer who would be above all executive considerations.

"Such an officer would be in a position to view the application with a judicial eye and an altogether impartial mind free from all kinds of executive bias. I am sure, Sir, that a small amendment of this kind will be very helpful in reconciling at least some features of this law to the people of this country.

"I therefore move that the words 'some officer empowered' be substituted for the words 'or a Chief Presidency Magistrate or a District Magistrate'. My objection is to the District Magistrate and the Presidency Magistrate being vested with the power of sanction in these cases."

The Hon'ble Maharaja Ranjit Sinha of Nashipur :—"Sir, I have full sympathy with the object which my Hon'ble friend on the right has in view. While in the Select Committee, I also suggested that the powers of sanctioning a prosecution should not be given to the District Magistrates, but to some officers empowered by the Local Government in that behalf. The Hon'ble the Law Member, however, pointed out to me that in that case the Local Government might empower even a sub-divisional officer to sanction a prosecution, and so the case might be worse. Under those circumstances, I had to accept the safeguard which was provided in the Select Committee, but, Sir, I still think that the District Magistrates should not have the power of sanctioning such prosecution. My friend says that the power should be vested in a judicial officer. There is no such word in the Indian Penal Code. The definition of 'Judge' also includes a 'Magistrate,' so I am afraid that the amendment—of course it has been allowed—may fall to the ground. I suggested the word 'Commissioner' in the Select Committee, but my friend, the Hon'ble the Law Member, said there was no word as 'Commissioner' in the Penal Code, and especially in some provinces there was no Commissioner at all. But if there be any remedy, I hope the Council will accept it."

The Hon'ble Sir Reginald Craddock :—"Sir, as the amendment is actually worded here, it will, of course, open the door very widely in the matter to an extent which it was certainly never intended by the Hon'ble mover, for it would enable a Sub-Inspector of Police to be empowered to authorise a prosecution."

The Hon'ble Babu Surendra Nath Banerjea :—"That was an obvious mistake."

The Hon'ble Sir Reginald Craddock :—"As I said before, I have no desire whatever to take any advantage of a slip of this kind, and therefore I shall treat the matter as if the case before us was whether the Presidency Magistrate and District Magistrate should have this power, or whether it should be entrusted to some judicial officer. I am glad to find that the Hon'ble Mr. Banerjea, in contradistinction to the Hon'ble Mr. Acharias, does recognise that the provisions that we have put into this Bill are substantial safeguards. But I think that in this particular case the request that he makes to have a judicial officer empowered is not one that we can very well accept, because, in a matter of this kind, the Chief Magistrates of the District, or the Presidency Magistrates, are largely responsible for the maintenance of peace, and therefore they are the persons who are in the best position to judge how far sanction to initiate proceedings of this kind should be given. This is one of those matters in which the inquiries, if any, to be made by the officer will be largely of an executive nature. He would not concern himself with the exact weight of the evidence on either side, for that would merely mean holding two inquiries instead of one. What he would interest himself in would be whether the remedy which these men, the complainant or others came forward to ask for was a reasonable way of obtaining reparation. For instance, it would be absurd if a man, when he could make a complaint about the offence itself, were given sanction to bring a complaint for a conspiracy to commit the offence. The object of this amendment is very largely to check the disposition which those familiar with criminal Courts have seen so much of, of a petition-writer putting down a section which would make a case triable by a first-class Magistrate, and therefore make a big thing out of a very small one. It is unlikely that a District Magistrate or a Presidency Magistrate would do anything to assist in a frivolous or vexatious endeavour on the part of petitioners or on the part of complainants, to use this new law simply for the annoyance of the public or of their enemies. And the Government consider that this safeguard of empowering a District Magistrate and the Chief Presidency Magistrate is adequate, and as it is worded, it is so framed that the Local Government has specially to empower these Magistrates; so that it would always be open to a Local Government, if in a particular district an acting or officiating District Magistrate was considered to be somewhat inexperienced, not to empower him with this particular power. But in a matter like that the Local Government must be the best judges. Considering therefore, that this safeguard is fully adequate, on behalf of the Government, I must oppose the amendment."

The amendment was put and negatived.

The Hon'ble Mr. Vijiaraghavachariar :—"The next amendment I wish to move is rather an important one. It reads thus :—'After section 288 of the Code of Criminal Procedure, 1898, insert the following section, namely :—

'288 A. All trials before a Court of Sessions for offences under section 120 B of the Indian Penal Code shall be by jury.'

"After section 561 of the Code of Criminal Procedure, 1898, insert the following section, namely :—

'561 A. In trials for offences under section 120 B of the Indian Penal Code before a Magistrate, the accused person or, where there are more than one accused person, any one of the accused persons may at any time before he is heard in his defence in a summons case under section 244 and in a warrant case under section 256, claim that the trial shall be by a jury, composed in manner prescribed in section 275. Thereupon, notwithstanding anything contained in Chapters XX and XXI of this Code, to the contrary, the provisions of section 451, sub-sections (2) to (10) inclusive, shall, as nearly as may be, apply to such trials.'

"To section 403 of the Code of Criminal Procedure, 1898, add the following as sub-section (5), namely :—

'(5) A person acquitted or convicted of any offence, or the abetment thereof or an attempt to commit the same cannot afterwards be tried for a criminal conspiracy punishable under section 120 B of the Indian Penal Code to commit the same offence or *vice versâ*.'

The PRESIDENT :—"I must ask you to take them as they stand."

The Hon'ble Mr. VIJIARAGHAVACHARIAR :—"Of the three amendments, two relate to trial by jury and the third relates to a matter of procedure and somewhat of principle. Technicalities apart, section 268 relates to trials by jury in Courts of Session. Section 268 says that trials before a Court of Session shall be either by jury or with the aid of assessors, so that, as the Code now stands, except in the case of certain persons, nobody is entitled in Courts of Session to trial by jury as a matter of right, until Government acts under the next section which provides as follows :—

'The Local Government may, with the previous sanction of the Governor General in Council by order in the official gazette, direct that the trial of all offences or of any particular class of offences before any Court of Session shall be by jury in any district and may with the like sanction revoke or alter such order.'

"That is to say the law provides in the case of sessions trials that they must be either by jury or by assessors. But as regards a trial by jury, until the Local Government passes such an order as is contemplated in the next section, namely, which must say in any particular district, any particular class of offences, shall be tried by jury; until that notification takes place, trial by jury is not a right. So far as the law is concerned, it is an enabling law. Section 268 enables the Local Government to provide by order for the trial of any particular class of offences by jury. As regards trial before Magistrates, ordinarily there is none, except in one case which it is not necessary to relate here. It is conceded that the law that is now being enacted has not been in existence in India, and that there has been a gap for over 50 years. Now we are introducing the law from England. Now in introducing that law, it requires considerable care that it may be administered in the light of the series of decisions which alone embody the criminal law on this branch in England, because it is the common law and there is no such thing as an authoritative book containing all the common law as far as I am aware. It is embodied in various decisions. No doubt eminent text writers write upon such subjects, but there is no book from which you can say authoritatively what is the common law of England in this or that particular matter. It is necessary therefore the practice obtaining in England, not only as to the law but the sort of evidence that is needed and enacted, for proving the agreement as to conspiracy. Where it is only a question of law, the jury and assessor are all the same, but where it is a blended question of law and facts; when the facts will merely be design and preparation and when they will amount to an agreement, what an overt act means and whether there is one in the particular case, when a certain set of circumstances can be said to be of the nature of the elements of agreement and when not. All these are mixed questions of fact and law. In deciding on these mixed questions of fact and law, a knowledge of the habits and character of the people who might be placed in the dock, their method of talking, the very peculiar language of the particular class or district, all these become of the highest importance. In deciding on the question of a criminal agreement, we all know regard has to be paid to the class of people, their special habits, their mode of talking, their mode of saying 'yes' or 'no,' and several other peculiarities. All these things come into requisition in a trial for conspiracy offences. Now a jury would be of the highest importance in finding out and in interpreting what really took place, what was the agreement, if there was an agreement at all. It is of no use to say that the assessors will equally perform that function. Assessors, as we all know, are ordinarily only two gentlemen. But the assessors excuse themselves by saying that, whatever they may say, there is no responsibility, and where there is no responsibility, they do not take the same trouble as persons on whose verdict the final decision is to rest. Thus the distinction is a very important matter. We have only the word 'agreement' in the law, and there are no words connecting the word agreement with anything else, and loose conversations may make the whole offence as to conspiracies. We must remember where conspiracies end with the agreement it is one matter, and where conspiracies reach the commission of crimes it is a different matter. But where a man is tried for conspiracy and conspiracy alone, it is a question of mere agreement, and except in a few matters, no overt act is by law necessary. Being so, it is entirely what I call a 'conversation' offence. There may be an overt act in addition, but the law does not need it, except in the cases mentioned in the Bill. Ordinarily therefore, in all higher offences, no overt act is necessary; all that is needed is the mere agreement. Hence the view that a jury might take as to what a particular man said, not merely what he said but what he meant by it, is very important. I mean no disrespect—I hope no one would be surprised if I say that a member of the Civil Service asked me whether in token of assent whether we nod our head or shake our head? He had been 15 years in India and he seriously did not know whether we shake assent or nod assent or shake dissent or nod dissent; and he added 'I thought you do not, like us, nod your head in token of assent, but you shake your head in token of assent and nod your head in token of dissent.' Fifteen years' experience in this country had not been sufficient for him to know whether we nod assent or shake assent, or nod dissent or shake dissent.

"I once knew a particular gentleman who professed to know the vernacular language, and the ordinary people said 'catch hold of the thief.' He translated the word 'catch' into 'arrest' and came to the conclusion that the man had no power to arrest under the law, and therefore he convicted him, and no amount of argument would convince him that by 'catch hold of' the common people did not mean 'arrest' the man. He said 'there is the sworn translation, 'catch hold of' means 'arrest', and therefore if this man has no power to arrest, he must be convicted.

"All that I say is that in a matter of this kind, it is of the highest importance for the well-being of society on the one hand, and also to assist the Judge seriously on the other hand, that the materials which would consist mostly of words, if not entirely of words in conspiracies to commit the highest offences, should be properly placed by the witnesses and properly construed for the purpose of trial and for the purpose of taking away a man's liberty; they must be properly and not literally interpreted as to what the man exactly meant. In these circumstances, a body of responsible men to assist the trying Judge would be of immense use.

"These remarks will not apply to Magistrates who are merely inquiring into cases as committing Magistrates, but where a Magistrate has to try a man and come to a final conclusion and condemn him or acquit him, what I have said above as to trials in Sessions Courts will apply to him. There is now trial by jury before Magistrates in one class of cases. The most extraordinary thing is that we Indians have trial by juries in matters of nuisance before a Magistrate. How trial by jury has been given to us in the matter of nuisance I do not know.

"Under section 135 of the Code of Criminal Procedure in the Chapter on nuisances, the person against whom an order is made, calling upon him to abate a nuisance shall within the time prescribed in the order, either obey the order or appear in Court and apply to the Magistrate by whom it was made, to appoint a jury to try whether the order is reasonable and proper; so that we have a jury before a Magistrate in matters of nuisances. If the Magistrate is called upon to be assisted by a jury in a matter of nuisance I do not at all see why the principle cannot be extended to so important a matter as this new offence. The new offence would consist of a number of unspoken words and expressions which may have one meaning almost in one street, and another meaning in another street of the same town. Therefore, I respectfully submit that it is important that a trying Magistrate should have the assistance of a responsible body of men, and that responsible body of men can only be jury. That is all I have got to say on this matter. The third one is amendment 38 (b)—

'A person acquitted or convicted of any offence, or the abetment thereof or an attempt to commit the same cannot afterwards be tried for a criminal conspiracy punishable under section 120 B of the Indian Penal Code to commit the same offence or *vice versâ*.'

"I believe that in the gist of the principles ordinarily practised now in the trial of offences, and when a new law is introduced, it is safer that the provision is included in the law itself. At present a person cannot be tried for a principal offence, and also for the abetment thereof.

"It is just possible there might be difficulties in construing the existing law on this point so as to make it applicable to the proposed law. No doubt, this would be part of the Indian Penal Code, but I am not sure that under the existing law, one can be quite certain, unless the Honourable the Advocate-General assures us, that a man cannot be prosecuted both for criminal conspiracy as well as for the abetment of it and the principal offence.

"With these remarks I beg to move the amendment."

The Hon'ble BABU SURENDRA NATH BANERJEA:—"May I associate myself with the demand of the Honourable Member for a jury in the trial of these cases. Sir, it was stated in support of this Bill that this is an importation from the English law. Conspiracy cases in England are all tried by juries, and therefore, inasmuch as this is an importation from the law of England, I think we ought to have the necessary safeguards, which the law of England imposes in cases of this kind. Over and above that, I think, there are very strong reasons for juries in cases of this kind. A new kind of offences is being created. Complicated facts will have to be dealt with, Magistrates will have to deal with them, and it would be a distinct advantage if the Magistrate or the Sessions Court were associated with a number of jurors for the purpose of disentangling the facts that might come before them. I think there are very strong grounds for the appeal which my Hon'ble friend has made for the trial of these cases by juries."

The Hon'ble Mr. WHEELER:—"As the Hon'ble Member who moved the amendment recognises, it comprises two portions which have very little connection with one another, and I only desire to confine myself to the one point which refers to jury trials. In that respect his proposal is briefly, that every offence of conspiracy shall be made triable by jury in a Sessions Court, while in a Magistrate's Court the right shall be given to the accused to claim a jury if he so desires. The proposal is urged on the ground that it will afford yet another safeguard, or as the Hon'ble Mr. Surendra Nath Banerjea put it, that it will introduce a safeguard which obtains in English Law, and for the additional reason represented by Mr. Vijiaraghavachariar, that the offence of conspiracy is of an special a character, that it is desirable to give the Court the assistance of a jury in dealing with the narrow shades of verbal meaning and the like which will be in issue before it. Now in the matter of safeguards, Sir, it is essential that any safeguards that are proposed should be workable under the existing procedure and system of the Code, as is the case with the other safeguards which have been inserted in this Bill, but were the proposal accepted in respect of jury trials as it stands, it would not be workable. As the Hon'ble Member has himself pointed out, there is no offence in respect of which it is declared by the Code that its trial shall be by jury. The first relevant provisions of the Code are section 267, which says that all trials before a High Court under Chapter XXIII shall be by jury, and section 268, which states that cases before a Sessions Court shall be tried either with the aid of assessors or a jury. After laying down those two propositions the Code goes on to leave it to the Local Government, with the previous sanction of the Governor General in Council, to notify in what districts and in respect of what offences jury trial shall prevail in Sessions Courts, and such a notification can be revoked or altered. Under that section various Local Governments have notified different districts as suitable for the jury system, but nowhere except, I think, in the case of Madras, has every district been so notified, and nowhere has the jury system been extended to all classes of offences. In fact, the number of offences in which it obtains is in the minority, as also are the districts in which the system prevails. That being so if we are now to proceed to say that this particular offence of conspiracy *shall* be tried by jury in all districts, we are accepting a proposal which is unworkable since merely to take the simplest example, what is to happen in those districts in which no juries are at present constituted."

"With regard, Sir, to the question of safeguards there is always a certain danger in the contention that because a thing exists in England it should be adopted here because there may be other respects in which the procedure in this country is not the same as in England, and the argument more or less presupposes complete uniformity. Merely to take the question of the rights of appeal, these are far more extended in this country than in England; or again there is nothing in England which corresponds to the special safeguards of preliminary sanction by various authorities in different cases, which now find a place in the Bill. To seek an ideal assimilation between the procedure in the two countries, is not, therefore, practicable.

"If then the amendment is unworkable and impracticable, we are left only with the argument that the offence of conspiracy is of so special and peculiar a character that this change is justifiable. It has already been pointed out on various occasions this afternoon that there is nothing so special

above this offence of conspiracy which would require us to depart from all the procedure of the Code. There are already many offences of a serious description in the trial of which a jury is not concerned. For instance, you have a heinous offence like murder, which is not triable by jury in many districts, and can it be contended that where that is so, a conspiracy, say, to commit an assault (assuming that the institution of such a prosecution is approved) must always be tried by a jury?

"Lastly, Sir, the amendment is unnecessary because, should it ever be held at any time that the offence of conspiracy was one which might be properly tried by a jury in any particular district, it is open to the Local Government so to notify it under the existing sections of the Code.

"For these reasons, Sir, I urge that the amendment cannot be accepted, and if it should be rejected in the case of Sessions trials, it is still more open to objection in the case of trials before Magistrates, in respect of which the departure from the existing procedure of the Code would be still more marked and in practical working, surrounded with even greater difficulties."

The Hon'ble Mr. KENRICK:—"Sir, it is necessary for me to say two or three words upon the second portion of the amendment, namely, the proposal to amend section 403 of the Criminal Procedure Code.

"Sir, the proposal to amend this section of the Criminal Procedure Code runs as follows:—

'A person acquitted or convicted of any offence, or the abetment thereof or an attempt to commit the same cannot afterwards be tried for a criminal conspiracy punishable under section 120 B of the Indian Penal Code to commit the same offence or *vice versa*.'

"The wording of the proposed amendment is somewhat peculiar, but the meaning is fairly clear, that is, that a person should not be put on trial for conspiracy to commit an offence after he has been tried for it and acquitted or convicted of the offence which is the object of the conspiracy. My answer to the contention that this amendment should be put in is this: that there is no need whatever to alter the principles which are already laid down upon that subject in the Criminal Procedure Code. I think that the Hon'ble Member who proposes this amendment himself now that there was no substance in it. He seemed doubtful whether sufficient safeguards are provided by the existing procedure. If he turns to sub-sections (*c*) and (*f*) of section 403 which enact the circumstances in which a person convicted or acquitted may be tried again for offences after a previous trial, he will see the circumstances which are applicable to the new law of conspiracy as they would be to any other offences under the Code. Therefore there is no reason for altering the existing principles. Of course the general principle undoubtedly is, that when a man has been on trial and in peril of conviction on certain facts, he is not to be re-tried on the same facts. At the same time there are circumstances in which a person who has been convicted may be re-tried for other offences, for example, the offence of conspiracy, which arise upon the previous facts. Sub-sections (*b*), (*c*) and (*d*) of section 403 meet the case, and there is no need for putting in an amendment such as is proposed by the Hon'ble Member."

The Hon'ble Mr. SYAD ALI IMAM:—"I intend, Sir, to limit my remarks only to the amendment that has been proposed in respect of section 403. The proposed amendment amounts really to a modification of the principles that govern the provisions of the law relating to previous acquittals and convictions, and that law is fully contained in that very section, No. 403, which the Hon'ble Member desires to amend. The principle that has been accepted is that a plea of previous acquittal or conviction is bar of further proceedings will stand when it is shown that a trial on the same facts has already taken place, and that the stage that entitles or requires a Court to give a decision upon the guilt or innocence of the accused was reached ending in an acquittal or conviction. Such a stage as that is necessary. Well, if the Hon'ble Member will reflect, he will find that, so far as that principle goes, the soundness of which cannot be questioned, no necessity for this amendment seems to arise, unless of course it is the intention of the Hon'ble Member to grant a man charged with criminal conspiracy special facilities. I concede that it is only right that a man should not stand in the same peril and in the same position in which he has once stood and undergone a trial. But if the amendment is accepted, there will be a departure from this principle, and as far as I can see, it will be a somewhat novel departure, as I am not aware that there is any system of law which recognizes anything more than this that a man who has once been put upon his trial and has stood in peril, after he has been acquitted or convicted, should not again be subjected to a fresh trial and put in the same peril to undergo practically the same difficulties in which he had been placed before. It will be seen that the application of the principle depends entirely on questions of fact. If is a case where a man was charged with criminal conspiracy, he could satisfy the Court that as a matter of fact he had undergone a trial and had been convicted or acquitted, and that the case that was now preferred against him was covered by section 403, read with section 236, he would have, I venture to think, absolute immunity. But if the Hon'ble Member, on the other hand, desires that a man who has committed no offence, but because he happens to have committed the offence of conspiracy, although he has not been previously on trial for it or been acquitted or convicted but not on the same facts, he should have complete immunity, it would mean a departure from another principle that governs the plea in bar on the basis of a previous conviction or acquittal. I admit it would be a very difficult matter indeed for any lawyer to accept the amendment. I should look upon it as a great departure indeed, a great innovation on the principles that govern cases of *autrefois* acquittals or convictions. Therefore, on reflection, I trust the Hon'ble Member will realize that he is asking the Council for a great deal more than is the accepted principle. I am unable to find why a criminal conspirator of all persons in the world should have in respect of this principle greater immunity given to him than is given even to a murderer or a man who wages war against the King or commits any other heinous offence. Why because he happens to have the privilege or the distinction of being a conspirator, should established principles be departed from? I am unable, Sir, to support the amendment that has been put forward and I suppose it."

The Hon'ble Sir REGINALD CRADDOCK:—"Sir, the Government cannot accept the whole amendment for the reasons given."

The Hon'ble Mr. VENKATACHARIAR:—"Sir, I fail to see the exact nature of the objection; the nature of the objection seems to be that because it does not as a matter of right exist as regards the trial of other offences, therefore it should not exist as to trials for these new offences. I have already submitted that the new law consists, to a great extent and in some cases almost entirely, of

words and nothing but words; on that point I have not had the advantage of hearing any Hon'ble Member on the other side. I specially pointed out the difficulties of construing words that pass current among various persons who might be said to be parties to an agreement especially when these persons use words and expressions which have a special meaning in a particular district or part of a district, or use words under a secret understanding as to their meaning and which is not openly open to the public.

"In all these difficulties I desire to say that a jury drawn from the neighbourhood would be in a far better position to exactly understand and weigh what each man said, and they would be of immense use to the trying Judge or to the trying Magistrate. I regret that upon this aspect of the case I have received no information, no light from the Hon'ble Members on the other side, beyond the statement that, because in the case of other offences no absolute right exists unless and until the Government is pleased to sanction it, therefore there is no necessity for accepting my amendment. This is what I call the custom argument, that because it does not exist in the case of other offences we should not have it for the new offences. But we are told that this is an offence which has been transported from England. How is it there? Is it open to be tried summarily? Except in the case of some petty offences where summary powers are given, they are there tried by jury, and the Judge has enormous power of applying this law to any particular case as he likes. In borrowing this law from England, can we not also borrow a little of the machinery which already exists in India in a modified form?

"If I say I want to introduce this principle, I am told it is new to this country, but if I want to introduce a principle, which already exists in India, I am told it is not necessary. Of course the Government when they want can always find some argument or other to oppose to me. But the gist of my argument is that a trying Judge would derive very material assistance in finding out the meanings of words, and whether they amount to an agreement or merely a sort of language used in courtesy or not to contradict anything said by some powerful person. All these things are extremely difficult to be estimated by Judges, and persons conversant with the habits and with the language of any particular locality would be of immense use. Therefore I remain unconvinced that the opposition has substance.

"Then, Sir, as regards the question of law as to multiple trials on same set of facts. I myself put it forward with considerable diffidence, but I am not satisfied that the assurance given by the Hon'ble the Advocate General and the Hon'ble the eminent Law Member are satisfactory. I do not say they intend to mislead me; all I say is that they do not appear to be clear and satisfactory. The Hon'ble the Law Member says my amendment proposes a novel departure. I cannot understand where a departure comes in, or wherein the novelty exists. I am not able to follow him. The law says that a man cannot be tried more than once for the same offence, or for certain offences for which he might have been tried under the law on the same set of facts. But doubts do arise. A man is tried for dacoity or a State offence. In the trial for that offence no evidence has been adduced as to any agreement, because it was not necessary, although it may, if the prosecution likes, strengthen its case by proving an agreement. If dacoity is proved by the finding of property or by the capturing of the culprits on the spot, then it is wholly unnecessary for the prosecution to adduce evidence to show that these persons met and conspired together. Suppose these persons are tried for the dacoity and acquitted. What my amendment says is that afterwards none of these persons, who have been tried for the more important offence of dacoity, ought to be again tried for a mere conspiracy to commit the offence. As the law exists, they cannot afterwards be tried on the same facts. There are Judges who hold the same facts to mean the same facts used in the trial: there are other Judges who hold that the expression 'same facts' include facts which might and ought to have been adduced by the prosecution with the ordinary diligence in that particular trial. But such an interpretation has been held by many Courts to be a strange interpretation. The same facts I take to mean facts adduced, not facts which might or ought to have been adduced in the previous trial.

"As the law now stands a man may be prosecuted for mere conspiracy. Whatever be the result, he may afterwards be prosecuted for the principal offence, towards which he was said to have conspired. First of all, therefore, it will give an opportunity to the police to try this man in one instalment for a conspiracy, and if they failed, to try him in the next instalment for the principal offence or *vice versâ*. That is what I wish to guard against, and I am told that the existing law is sufficient. I am unable to accept the view that the existing law is sufficient in this matter. If the existing law is quite sufficient, what is the harm in accepting a surplusage? I am invariably told the existing law is sufficient. I have no objection to my amendment being drafted and re-drafted with the assistance of the Hon'ble the Advocate General or the Hon'ble the Law Member. Therefore, if the existing law is sufficient, please re-draft my amendment in any way you like, but let me have the pith and substance of it. I am sorry to say that I am compelled to press my amendment.

The amendment was put and negatived."

The Hon'ble Mr. VIJIARAGHAVACHARIAR:—"Would I be in order if I asked you kindly to adjourn the proceedings until to-morrow?"

The PRESIDENT:—"The Hon'ble Member would be quite in order, but I shall not accept it."

The Hon'ble Mr. VIJIARAGHAVACHARIAR:—"I am rather tired and have some more amendments to move."

The PRESIDENT:—"The Hon'ble Member can do just as he likes about withdrawing his amendment or proceeding with it. We have now reached a stage when we hope to carry the Bill and I propose to go on."

The Hon'ble Mr. VIJIARAGHAVACHARIAR:—"The next amendment which stands in my name is this:—

'(c) In column 3, for the words beginning with the word "may" and ending with the word "otherwise" the words "shall not arrest without a warrant" be substituted, and for the second paragraph in the same column the word "ditto" be substituted.'

"The object of this amendment is to make the offence non-cognizable. It is analogous to the amendment I have already moved, namely, that all offences should get the sanction of the Government of India. Of course the details may not be analogous, but the principle is, there are a number of offences which are very heinous, and which are yet non-cognizable. I have already quoted one section

121, the offence under which of waging war against the King, which is punishable with death or transportation, is non-cognizable. Now, if we apply the same principle here, no harm can accrue to any extent if we have regard to the fact that no harm was contemplated by the framers of the Indian Penal Code who have made an offence under section 121 non cognizable. As a matter of fact, all the State offences—I believe—are excluded from the purview of the police. The underlying principle in all these matters is that where sanction is needed from any authority, the offences cannot be made cognizable because the two authorities might otherwise come into conflict. The underlying principle there is that, however heinous the offence may be, wherever sanction is needed, the policeman is excluded from investigating the offence and arresting persons in connection with these offences. Pursuing that principle, I beg that my amendment may be accepted, namely, that offences proposed to be constituted under this law may be made non-cognizable. As a matter of fact this would be a greater safeguard in the working and the administration of the new law than the sanction that is said to be necessary before the initiation of the prosecution for several offences under this Bill. With these few words, I move the amendment."

The PRESIDENT :—"Do you wish to make any observations on (b) and (c)? You will not have a chance of speaking on them again."

The Hon'ble Mr. VIJIARAGHAVACHARIAR :—"Yes, Sir, a word or two about the second part of my amendment, that

> '(b) in column 5, for the whole of the first paragraph the words "Bailable, except where the object of the conspiracy is an offence punishable with death or imprisonment for life;" be substituted':

"'Imprisonment for life' I am afraid that is a mistake. I do not think the Code provides imprisonment for life."

The Hon'ble Sir WILLIAM VINCENT :—"The amendment is perfectly right. May I explain, Sir, I only wish to say that I verified it from the draft of the amendment which the Honourable Member filed, and there it is 'Imprisonment for life.' Speaking subject to correction, I am not aware of any offence in the Indian Penal Code which is punishable with imprisonment for life. I speak, as I said, subject to correction."

The Hon'ble Mr. VIJIARAGHAVACHARIAR :—"I had not up to this moment noticed it. Will you, Sir, permit me to convert it to 'transportation for life?'."

The PRESIDENT :—"You may not offer any remarks on the assumption that it is changed. No change can be made now."

The Hon'ble Mr. VIJIARAGHAVACHARIAR :—"The amendment is, that except in the case of conspiracies to commit very serious offences punishable with death or deprivation of the liberty of a man for life, the accused man may be allowed bail. Now the question of bail becomes of importance, firstly, because that would be one of the guarantees against the abuse of the power which, as regards cognizable offences, naturally vests in the police. Now the police, in the case of bailable offences under the law as it exists, are bound to accept bail if sufficient bail is offered. But in the case of non-bailable offences I take it, subject to correction, that even if the police believe that they can hold the man to bail, as the law is administered, he has no power to grant bail, but the Courts alone have the power. This has been the accepted canon of the interpretation of the words 'bailable' and 'non-bailable' in the schedule of the Criminal Procedure Code. The whole object of bail or no bail depends upon the question why an accused person should be arrested at all. The arrest is not a preliminary punishment, it is not a punishment for the offence which has to be proved hereafter, and of which the man may or may not be convicted; the object of bail is entirely to secure the person in view that he may be tried and justice may be rendered, the sole object is to prevent him from running away. The principle recognized in the Criminal Procedure Code, as I understand it, is this, that the severer the punishment, the greater would be the temptation for the man to run away.

"For instance, if death or transportation for life be the punishment, the temptation of the man if you hold him to bail would be the greatest to run away. Therefore the higher the offence the greater is the danger of the man running away: hence the Criminal Procedure Code draws the line, so far as the provision in the schedule is concerned, between the serious offences and the non serious offences. In an important case this principle has been dwelt upon by Mr. Justice Tyabji of Bombay in a very illuminating and exhaustive judgment wherein he says that the object of the law in India is not whether he is guilty or not guilty, but as to whether he will be available for justice or not. That is the principle he has enunciated. In giving effect to this principle, the punishment provided might be taken into consideration in estimating the risk of leaving the man at large.

"For these reasons I beg that my amendment may be accepted."

The PRESIDENT :—"Does the Honourable Member propose to deal with compoundable offences?"

The Hon'ble Mr. VIJIARAGHAVACHARIAR :—"I have stated all I have to say, Sir."

The Hon'ble Sir REGINALD CRADDOCK :—"Sir, this is not an amendment that the Government can accept. I have already shown in speaking to the previous amendment how impossible it would be to deprive the police of their power to take cognizance of conspiracies to commit heinous crimes, and how unreasonable it would be to distinguish conspiracy to commit an offence from abetment of that offence. Similarly, there is nothing in this new offence which would lead us to depart from our ordinary law governing the grant of bail. We have made conspiracies to commit minor offences non-cognizable by the police even if the offences themselves are cognizable. In doing so, we have gone as far as we can to meet any objections that are based on the fear of undue police interference with the liberty of the subject. I did not gather quite whether the Honourable Member was pressing what he said about making the offence compoundable,—whether he put forward that amendment or not. As regards compoundable offences, as is well known, the compounding of the more serious offences is contrary to public morality, and is also directly prohibited by the law. Whereas in regard to the minor offences, the one thing we desire to guard against is the risk of vexatious charges of conspiracy with a view to levy blackmail. Although the law does permit minor offences to be compounded when the complainant receives some reparation, yet undoubtedly this power of composition is often an inducement to persons to have resort to the Criminal Court merely as a means of exacting some compensation. It is therefore most undesirable that complaints of conspiracy should be used as a means

to this end, and the fact that composition is not possible should be a discouragement rather than an encouragement of charges of conspiracy. Lastly, as regards the other forms of conspiracy to commit illegal acts or to use illegal means, inasmuch as the authorisation of the State is a preliminary condition of the prosecution, the question of compounding an offence with a private person does not arise.

"For these reasons, I am unable to accept on behalf of Government the amendment."

The amendment was put and negatived.

The Hon'ble Sir REGINALD CRADDOCK :—"Sir, I now beg to move that the Bill further to amend the Indian Penal Code and the Code of Criminal Procedure of 1898, as already amended, be passed. So much has already been said both on the principle and the details of the Bill that I do not wish at this stage to say anything further, but will reserve any remarks that yet remain to be made until Hon'ble Members who wish to speak have said what they desire to say."

The Hon'ble SARDAR DALIP SINGH :—"Sir, it is with a heavy heart that I rise to speak a few words on this measure, and it must be deeply regretted by all that irony of circumstances should have compelled Government to invoke the aid of the Legislature in order to strengthen their hands for the suppression of illegal practices aiming at the disturbance of peace and avoidance of law.

"The present measure is intended to bring the law of conspiracy more or less in line with the law in force in England and in other civilised countries. This measure when passed into law will make conspiracy itself the object of which is found to be association of people for the accomplishment of illegal deeds, as a substantive offence, and it is high time that such conspiracies were nipped in the bud, so to speak, instead of allowing them to develop into what ultimately may turn out to be disastrous to public peace and tranquillity. No one, whatever his political views may be, can oppose such a measure for the obvious reason that associations for achievement of unlawful objects can never be detectible, and if the law is helpless to punish conspiracies in unlawful deeds, it requires amendment so that its arm may be long enough to catch them. As matters stand at present some delinquents think they can escape because their machinations fall short of treason, but their ulterior designs should not be permitted to mature by reason of the absence in the Statute-book of an enactment which can at punish such conspirators. This is not the first time that the Indian Penal Code and Code of Criminal Procedure have been brought before the Indian Legislature for amendment; so there can be no matter for alarm on the part of the public. Every new thing is alarming to the popular sentiment. Not to speak of laws or sections dealing with political crimes, when a purely social reform measure—the Age of Consent Bill—was on the anvil the hue and cry raised against it forms a chapter in the history of the development of political wisdom in India. It was argued that with that measure passed into law the peace of the home would become a thing of the past. But now the best intellect of the land regard it a source of unmixed blessing to society.

"In the same way those who are on the side of law and order regard the present Bill a beneficent measure to secure tranquillity in the country. With safeguards provided in the Bill, as amended by Select Committee, the fears that powers given by the amended law will be abused are baseless and visionary, and I am sure all lovers of peace and order will extend to the measure their unstinted support.

"With these few remarks I support the motion before the Council."

The Hon'ble RAJA JAI CHAND :—"Sir, I rise to support the Indian Criminal Law Amendment Bill, or the Conspiracy Bill, as amended by the Select Committee and as it is now before the Council. As much has already been said and discussed freely, therefore I only slightly differ with my Hon'ble colleague, a brother soldier of mine too, sitting on my left; he wished the Bill to be passed at once, and I wish the Bill as now stands to be passed into Law at a possible early date.

"Before I sit I beg to congratulate the Hon'ble the Home Member in charge of the Bill and welcome the necessary measure taken."

The Hon'ble MALIK UMAR HAYAT KHAN :—"Sir, I have expressed my views already on the subject which I still hold.

"After following the debate on the last stage, it was evident that most of the Hon'ble Members were for this measure. As they represent the bulk of Indian population, it was considered that the minority, after knowing the opinion of the majority, would follow them. But as this has not been the case and a Minute of Dissent has been recorded, as well as some amendments moved, I have chosen to say a word on behalf of the Mahammadans of the Punjab. Outrages and conspiracies are not allowed by our religion, and I am voicing my co-religionists when I say that this addition in the law which strengthens the hands of authorities will be welcomed by them. I hope the members who supported the Bill will remain firm. I am glad such amendments which weakened the measure and made it less effective here not been accepted by the Council.

"The speeches of our two Hon'ble old gallant men, I don't mean old in the matter of age, would go a long way to interpret the meaning of the law, as well as all the other debates. I ask them both to rise to the occasion and let the Bill be passed unanimously as it will be more effective.

"In conclusion, I accord my support to the measure now before the Council. I am also glad to hear from the three speeches of the Punjabis, a Sikh, a Hindu and a Mussalman, that the whole of the Punjab, the mother-country of soldiers, is unanimous upon this measure. I am glad that my friend on my right wishes the Bill to be passed soon. There is a law that the rules can be suspended —so he is not really against me but for me."

The Hon'ble Mr. GHUZNAVI :—"Sir, at the time of the introduction of this Bill I took the privilege of giving expression to my approval of the principle of this Act and assured Government on behalf of the Mussulmans of Bengal, whom I have the honour to represent, of our ready support and active co-operation in any measure or measures which the Government might take in stamping out anarchism and sedition from this land. Although some of us are of opinion that this measure is directed not only against anarchisms, not only against sedition mongers, not merely against burglars and dacoits, but also against persons who conspire to commit any criminal offence whatsoever, I cannot dissociate myself from the idea that our chief aim is to forge a weapon to reach those who are the real enemies of our country.

"Less than a decade ago, this land of ours was free from all suspicion of sedition, from all insidious influences of the anarchists, from all depraved cravings of intellectual monsters. But alas, unhappily a change has come for the worse. Burke and Mill have not been read aright. Their

teachings have created an indigestion and it has gone to prove once more the old adage that 'little learning is a dangerous thing, drink deep or taste not of the Pyrean spring.'

"Sir, I am convinced that the ideals of a true Englishman and a true Indian are one and the same so far as this country is concerned. England's mission here is not that of everlasting enthraldom and of keeping us in perpetual darkness and of squeezing us until there was no more to squeeze. With a microscopically small exception, I think, all Indians are now equally convinced as well as myself that her mission is a much nobler one. She is here to enlighten us, to uplift us, to guide us to a better goal. And it is that infinitesimally small exception, that microscopically small sect of maniacs against whom not only this measure alone, but if a dozen other measures were brought by Government, the true lovers of our country should always be prepared to support. Our object is to reach those who carry in their hands bombs and revolvers which are the sore handmaids not of the restorers of their country's liberty, but of the disturbers of their country's tranquillity. I am sure neither the Government nor any sane person objects to constitutional agitation of a constructive character. But here it is the destructive elements with which we are concerned.

"Sir, in my speech at the time of the introduction of this Bill, I sounded a note of warning against the Bill as it stood, lest, it might be turned into an engine of oppression of the innocent. Hence, my appeal to the members of the Select Committee was that they should find some safeguards, certain effective safeguards, not against the use but abuse of this new law. I am happy to say that the Bill as amended in the Select Committee has emerged in a greatly improved condition. In order to provide against misuse of this Act, I find two new clauses have been added. The first of these provides for cases of criminal conspiracy to commit offences referred to in section 195 of the Code of Criminal Procedure of 1898, and requires the same sanction for prosecutions for conspiracies to commit such offences as is required for prosecutions for the offences themselves. The second clause provides that no Court shall take cognisance of any criminal conspiracy to commit certain offences specified in section 196 of the Criminal Procedure Code of 1898 or to commit illegal acts or such are not offences or to effect legal objects by illegal means except upon complaints made by or under the authority of the Governor General in Council, the Local Government or some officer empowered by the Governor General in Council in that behalf. I find that it also provides that no Court shall take cognisance of criminal conspiracies to commit non-cognisable offences or cognisable offences punishable with less than two years' rigorous imprisonment without the direct consent in writing of the Local Government or of a District Magistrate or a Chief Presidency Magistrate empowered in this behalf by the Local Government. I congratulate the Committee for having added these safeguards which to my mind were extremely essential.

"Although having regard to the conditions that prevail in this country we cannot fail to recognise the gravity of our friend the Hon'ble Pandit Malaviya's objections in his note of dissent, yet how I look at it is this. That in view of the disquieting events of recent years it is better to have an imperfect weapon than no weapon at all. I am quite sure but for these unfortunate occurrences which have cast a slur on the fair name of Ind, neither would this Bill have been introduced in the inaugural session of this Council at the new capital of Delhi, nor would we almost as a body have given it our unstinted support.

"Sir, one word more and it is this. How well I remember that on the very eve of the opening of the enlarged Council under the Reform Scheme by Lord Minto, all Calcutta was startled by the news of the foul murder of Sultan Alum who was done to death by the cruel hand of the assassin in the very precincts—the sacred precincts of the High Court—while he was discharging his duty. The political horizon which had hitherto been calm and serene was suddenly overcast with dense clouds, and the following week saw the birth of the Press Bill which a few days later was enacted into law. History in this instance too, Sir, has repeated itself. Yesterday the news reached us that two bombs had found their way to the General Post Office at Calcutta, and to-day we are engaged in enacting this Conspiracy Bill into law. Since that cold-blooded assassination of Sultan Alum consequently one repressive measure has been followed by a still stronger measure. With the assumption, however, of the Viceroyalty by His Excellency Lord Hardinge, the entire policy of Government underwent a change. Repression was replaced by conciliation, and suspicion gave way to fullest trust and confidence. Yet the life of that very Statesman who had inaugurated this wise and benign policy was jeopardised the other day, and was only saved to us through the infinite mercy of Providence. As our spontaneous admiration is excited by the truly noble example of courage which he displayed to the world, so our love and intense gratitude went out to him when at the opening of this Council he uttered those memorable words, namely, 'I will persue without faltering the same policy in the future as during the past two years, and I will not waver a hair's breadth from that course', so must we justify the trust which he has reposed in us when he said in the last words of that ever-to-be-forgotten speech that he was 'inspired with confidence in the determination of the people of India to stamp out from their midst the fungus growth of terrorism and to restore to their beautiful motherland an untarnished record of fame'.

"Sir, the policy that we ought to follow is perhaps best expressed in the old French proverb for which I can find no adequate translation—'*Oignez le vilain il vous poindra, poignez le vilain il vous oindra.*'

"I therefore have no hesitation in supporting the motion."

The Hon'ble Maharaja Ranajit Sinha of Nagpur:—"Sir, I am not in favour of any repressive measure unless the emergency of the case demands it; for I think that such a measure generally does no good. I am fully alive to the responsibility of my position as an elected representative of Bengal, and I would not have signed the Select Committee's Report, had I not been convinced that the measure which is now before the Council is not a repressive measure, and would not lead to an oppression or harassment of innocent persons. Sir, I must say that there is a feeling of alarm in the minds of our educated country men about this measure, not because that they encourage or approve of conspiracies, but the fact is that they do not trust the police, and they are afraid that this measure will be a fresh engine in the hands of the police for the harassment and oppression of innocent persons. With the safeguards that have been provided in this Bill, I am sure that the chances of misuse are very much minimised. My friend, the Hon'ble the Law Member, has very loudly explained the objects with which the safeguards have been provided, and I hope his explanation will remove any cause of apprehension in the minds of the public.

"Sir, I must also admit that there is also a feeling among our countrymen—I refer to Bengal—that there is no necessity for such a measure. I am sure that no one will deny that since the visit of

Their Imperial Majesties to India, there has been an outburst of genuine feelings of loyalty and contentment throughout the length and breadth of India. At the same time, Sir, I cannot deny the fact that there are circumstances existing which compel the Government to introduce this measure. Who ever dreamt that the outrage which was committed on the day of the State Entry into Delhi could have been possible against the representative of our august Sovereign, and specially against a high personage whose whole hearted sympathy goes forth for the good of India, and who by his sympathetic and conciliatory administration has opened a new era in the administration of this country. Therefore, Sir, we cannot at all blame the Government for bringing forward this measure, and I hope, and I am sure, that our countrymen who are always willing to co-operate with the Government for the restoration of law, peace and order will find that the measure will not operate against innocent persons, but only against persons who are trying to do injury to the country.

"With these few remarks I support the Bill."

The Hon'ble MIR ASAD ALI KHAN:—"Sir, the Criminal Conspiracies Bill before the House is, perhaps, the most important legislative measure during the Council term this year. It has evoked an amount of public criticism which cannot altogether be ignored. The emergency of the measure is questioned, and the operation of the Bill is feared. Groundless as are the apprehensions of a section of the Indian public, it must be admitted that the Bill itself is very comprehensive. It is explained away that the Bill proposes to bring the existing law on conspiracy in the Indian Penal Code in line with the British law. But British conditions do not prevail in this country. With a weak police and a system of less efficient judiciary in this country, the Bill, unless it includes far more safeguards than it has now, is in some cases likely to be used as an oppressive weapon, especially in the hands of unscrupulous persons. However, we are deeply thankful to the Select Committee for the absolutely necessary safeguards they have introduced in the measure. To obtain Government sanction in all cases of grave offences is the most important safeguard. Also, the executive, it is earnestly hoped, will exercise the new powers created by the provisions of this Bill with judicious care and caution. We all recognise the need for this measure, and are resolved in our endeavours to stamp out all manner of disloyal crimes. I hope that in its application the Bill, when passed into law, will bring to book the real offenders, and thus ensure public peace. Mahomedans, Sir, have always been known for their steadfast loyalty to the British Throne, and, as a humble representative of the Muslim community, it is my bounden duty to support Government. I agree with the main principle of the Bill, and give it my cordial support."

The Hon'ble Mr. QUAZIL HUDA:—"Sir, when I first saw the draft of this Bill about three weeks ago, I confess there arose in my mind some misgivings as to whether there was going to be a change in the policy of Government, from a policy of conciliation back again to that of repression. The Statement of Objects and Reasons did not altogether dispel my doubts or give any great satisfaction. For although it told us that what was sought was merely to bring our law into saline with the English Criminal Law, I could not very well forget that what was suited to England was not always suited to India.

"When however we heard the speech of the Hon'ble Sir Reginald Craddock at the time of introducing the Bill in this Council, I at least felt a sort of relief. The tone of the speech was conciliatory, and it removed all fears and doubts which were created in one's mind as to the change in the policy of Government. He was submitting the Bill to the Select Committee with an open mind. And was willing to take into consideration among others 'the undesirable consequences' it may entail. Now when we read the Report of the Select Committee on the Bill, we find that happily many of our expectations have been fulfilled, and the Bill has come out of it much improved though I do not mean to say that there is no room for further improvement. Insertion of clause 5 in the Select Committee will prove a great check on the powers of the police, and it will be a safeguard against hasty proceedings. The amendment in the schedule ensures the trial of such cases by senior and experienced officers in the service.

"The Government is convinced that the executive authorities are in need of a comprehensive Act to deal with lawlessness prevalent in some parts of the country. In spite of the fact that the Government could not disclose the facts which led them to this conviction, we should be the last persons to throw obstacles in their way in giving the authorities the required power. When they are held responsible for the decrease and heinous crimes which have become so common in recent years, it will be unfair on our part not to arm the executives with proper weapon to deal with them.

"With these few remarks, I strongly support the Criminal Conspiracy Bill."

The Hon'ble BABU SURENDRA NATH BANERJEE:—"Sir, amid the chorus of applause that has greeted the motion of the Hon'ble the Home Member for the passing of this Bill, it is an unpleasant duty for me to strike a discordant note and to oppose the Bill. I said, Sir, it is an unpleasant duty, but I feel that it is a duty and I am quite sure that the English gentlemen who sit round this table will not grudge me the performance of what I believe to be my duty.

"Sir, I thankfully admit that the Government has made concessions, important concessions, to public opinion. I have gratefully tendered my acknowledgments to the Government for the modifications and the safeguards which they have introduced. At the same time, Sir, I feel that these modifications, important as they are—and I have not the smallest desire to minimise them—are not sufficient. Sir, an amendment after amendment has been laid before the Council by my friend to my right and by myself, and the Government has not seen its way to accept any of them. Sir, we are here—I speak on behalf of the elected representatives sent by the different Councils—we are here to voice the opinions of our constituents whose those opinions are in harmony with our own conscientious convictions. And I say this, so far as this Bill is concerned, that it is not in accordance with the educated sense of the Province which I have the honour to represent. It is not in accordance with the requirements of the situation so far as we have been able to understand those requirements. We regard the measure, and I believe my countrymen in Bengal regard it, as unnecessary, and it may even prove mischievous. With these convictions, Sir, which I strongly hold, it is necessary for me to record my vote of opposition to this Bill.

"Sir, I may be mistaken—I hope I am—but so long as my views have not been shaken by the hard logic of facts, I will continue to hold that the Government has committed an error by passing a law of this kind. I do not for a moment question the high motives of the Government. I am sure the Government is animated by the truest intentions in the interests of peace, order and tranquillity; but the representatives of the people must have liberty to take an opposite view of the situation.

Sir, there may be differences of opinion round this table regarding the great measures of Government, but I hope there will be always amongst official as well as non-official members a large sense of charity, tolerance, mutual respect and mutual esteem. I claim for my attitude that it is sincere, that it is honest, that it has been carefully thought out, that it deliberately reflects the sense of the great educated community of Bengal which I have the honour to represent in this Council. More than this I am not prepared to say at the present moment."

The Hon'ble Mr. MADHU SUDAN DAS :—"Sir, during the passage of this Bill through the Council there have been remarks which no doubt go to show that in some minds there is very serious apprehension of the police abusing their power, and that there is ahead very great oppression for every one of us.

"The law of conspiracy has been imported in this sense that, though there was the law of conspiracy applicable only to two sections in the Penal Code, it has now been, as it were, incorporated as a part and parcel of the Penal Code itself. It is a foreign law newly introduced, and it is natural that in a country like India it should create some degree of alarm. But we have another foreign visitor amongst us as well; and that is the anarchist. By anarchist I do not mean a person who commits a particular kind of offence. I have not certainly before my mind that class of persons who have been committing heinous crimes within the walls of a High Court in broad daylight, or people who have been committing outrages like that which was committed the other day at Delhi; but by an anarchist I mean a person or a body of persons whose object is to set aside law, to introduce disorder into society. And law may be set aside under many circumstances; outrages might be committed, not only against the State, not only against officials, but against private individuals as well. We have had instances of crimes of the most atrocious nature, of a nature which were unknown in India.

"Sir, I cannot overlook the fact that India is a country where crimes of this nature, *i.e.*, taking away the life of a man was considered a serious thing. Indians have such a love of life, such a respect for the lives of the others that India is the country which first produced vegetarians. India is the country which has produced Buddhists. That is the country where we have now amongst us men who really seem to think that they are performing patriotic acts if they indulge in murders and assassinations of the most atrocious kind. We have had instances of dacoities, in which reference has been made in this Council, in East Bengal, and I happen to have some figures with me which I found the other day in the columns of a newspaper—I think the *Pioneer*. I find that in 1906, there were 155 dacoities against 26 convictions; in 1907, 131 dacoities against 19 convictions, in 1908, 166 dacoities against 26 convictions, in 1909, 160 dacoities against 18 convictions, in 1910, 179 dacoities against 24 convictions, in 1912, 281 dacoities against 19 convictions. At a glance at these figures one sees that, while the number of crimes is increasing, the percentage of convictions is on the decline; and it has been said also in the chamber that there is a want of detective skill on the part of the police. Whether it be want of detective skill or it be want of some other power, and whether the absence of that power be in the hands of the police or in the hands of those who are responsible for the administration of the country, the fact stares us in the face that atrocious crimes of this nature which involve loss of property, life and limb to innocent people, are committed without the offenders being brought to justice. Certainly those who are responsible for the administration of the country have not been able to answer this question 'What shall we do under the circumstances?' I fully share the feeling of shame which my Hon'ble friend Babu Surendra Nath Banerjee and he has when he hears of these things; but then I ask myself, have I been able to help Government or those responsible for the administration of the country, to get rid of these people, though these outrages are committed against my own countrymen, my kith and kin. What have I done? That is really the thing. Two facts stand out prominently before us. They are that the Government has failed to do anything; the people have failed to do anything; to get at these criminals. We don't know where they are and consequently the time is come if they are not to be found in the broad daylight, if they hide themselves in dens, in secret places, something must be done to get at them, and the Conspiracy Bill is nothing but this. If we can't get hold of them once when they have committed overt acts, let us try if we can reach them when they are hatching their plots. Now, for instance, taking an analogy from plague, it is really a case like this: if we can't get hold of the rat when he comes out of his hole and tries to go about the house and spread infection, let us try to enter the hole and kill him there if we can. Well, whether this will succeed or not it is very difficult to say, but certainly I felt that I should not be justified (when I cannot do anything to stamp out this evil from my country) in opposing Government when those people who are responsible for the administration of the country say this is a measure they want to give a trial. I am not a lover of policemen. I have had personal experience, personal attention not of a very enduring character from both the policemen and the anarchist. The policemen tried to rob me of my character; the anarchist sent me a threatening letter saying if I did not withdraw certain remarks, which I had made in the Council chamber, my life was not mine. Well, between these two, it did not take me long to decide which was the better. We have two evils amongst us. The policeman may be an evil, but he is a necessary evil. A policeman's position reminds me of a nursery lesson. A child had a running nose and he complained to his mother 'Mamma, why has God given me a nose, that nose troubles me very often,' and the mamma said 'Well, if you had not a nose you could not breathe.' Well, a policeman is a necessary evil in that sense. I have no doubt in a few minutes more this Bill will be passed. Government undertakes the responsibility to make the best use of this Bill, to stamp out the new state of things, the new criminal developments which have made their appearance in the country. In the meantime, I make no appeal to my countrymen both inside this chamber and outside this chamber to lift up the finger of scorn against this class of people. A finger of scorn is very powerful. The soldier who will walk up to the mouth of a cannon which emits red hot balls from it boldly and courageously will shrink before the finger of scorn in society. I say let society raise up its finger of scorn, or if I may use such an expression the kick of scorn against those men until they feel that there is a kick which is as heavy as the kick of a sixteen-hand high waler."

The Hon'ble Maharaja MANINDRA CHANDRA NANDI of KASIM BAZAR :—"Sir, at this time of the day everybody is anxious to go home, and I do not like to make a speech. The Bill is intended for the peace of the country. It was introduced by the Hon'ble the Home Member, and passed through the Select Committee, and has been discussed in this Council. I beg to support it."

The Hon'ble Mr. VENKATAGIRIYAVACHARIAR :—"Sir, it is now nearly half past six o'clock. I do not think it will be possible for me carefully to scrutinize the whole of this measure, having regard

to its policy, the plan of action adopted, the time chosen for its enactment, or, the provisions of the Bill to carry out the intentions of Government. I confess that if I was unconvinced on the day the Bill was introduced into this Council, I remain more unconvinced still today because of what has since happened. While the interval has revealed to me certain aspects of the whole situation, the Home Department does not yet give me the information that I have long been seeking and seeking in vain. I have asked for information on two points on which this Bill as mentioned in the Statement of Objects and Reasons is made to rest; these two points being the alleged existence of dangerous conspiracies and modern conditions. On a former occasion, I had to allude to the fact that my request had not been complied with, and while making no complaint, I had to lament the fact to show why I was absolutely in ignorance as to any evidence on which it may have been found necessary for Government to launch this Bill all on a sudden, like a bolt from the blue. Subsequently I have been favoured with a reply, dated 11th instant which is as follows :—

'In reply to your request of the 1st instant, for papers relating to the existence of dangerous conspiracies and the insufficiency of the existing law on the subject of conspiracies to meet them I am directed to inform you that in the light of the statement, already made by the Hon'ble the Home Member in the Legislative Council on the 5th March, the production of the papers is not contemplated.'

"Thus is the reply that has been since vouchsafed to me. It is thus very clear that for any and every information I may desire, I am to look to the speech made by the Hon'ble the Home Member when the Bill was introduced. What are the grounds on which this Bill has been launched and is being hurried through? And why is there a departure from the usual rule adopted throughout the civilised world in enacting legislative measures and adopted in this Council also hitherto and even before the Indian Councils Act was passed in 1861? I have in vain looked for light and guidance upon the matter in Council in the speeches of the Hon'ble the Home Member, the Hon'ble the Advocate-General, the Hon'ble the Law Member and the other members who have supported the Home Member. I must say there has been absolutely no indication towards any such information. We have been favoured with no shadow of a reason for adopting an exceptional measure and no exceptional a procedure. There was no leave asked to introduce this Bill, but there is a special rule which dispenses with this provision. That was adopted, the Bill was published in the *Gazette of India*, and the first thing the Council knew about it was when it was introduced and referred to Select Committee. It is remarkable that a series of infirmities have adhered to the proceedings throughout adopted by Government in reference to this Bill. No reason has been shown why it has been so. I next ask, I have asked again and again, what are the circumstances under which the existing law has been stated to be inadequate for the purpose of putting down and punishing any crime? There have been abundant speeches both by officials and non-officials, but absolutely no light has been thrown upon that subject; let us take the case of dacoities committed in Bengal. It is a well known fact that we cannot punish people under the existing law for mere conspiracy, but facts showing the existence of conspiracy could be proved under the law for the purpose of proving the crime. Have we then any statement, much less, evidence that if this proposed law had been already in the Statute-book, such conspiracies as were alleged in the trials of the principal offences, could have been proved and punished? I wonder that statements are so very easily made that trials for these dacoities failed because of the gap in the law. We have got statistics as to acquittals and convictions. If evidence as to the existence of any conspiracies do not satisfy the Courts, presumably these dacoities were due to special conspiracies and organisations which the law was unable to reach. I fail to see how then the new law can manage to reach these subtle conspiracies and make a portion of the transaction penal. I use the word 'transaction' in a legal sense, meaning the whole set of circumstances which can be proved in order to prove the crime. That is how Sir J. Stephen defines it. How by making a portion of the transaction criminal and punishable, the hands of Government will be strengthened and lengthened so as to reach these dacoits, I fail to see. On this aspect of the question, all the speeches on the official side have been absolutely silent. The next point I wish to urge is with regard to the provisions embodied in the Bill. How will they enable criminal trials to be far more successful than they have been? I respectfully submit that it is absolutely impossible to prove conspiracies by any evidence other than that of accomplices and by confessions. This is an important matter that ought not to be lost sight of. It is in the highest degree unlikely that the conspirators will be men who will be willing to join for the purpose of hatching conspiracies with the knowledge and in the presence of persons whose evidence will be accepted as that of disinterested witnesses, as unimpeachable testimony. The only way in which the powers of the police could be said as having been strengthened is the facility this law creates for catching hold of people and make them confess as conspirators. The evidence of accomplices is a technical thing; the evidence of accomplices arises where people are placed in the dock. To one of them at any rate pardon for his crime is tendered; he is then called upon to give evidence against his fellow criminals. Before you get at him to secure his evidence, you must manage to get a confession from him. I have the highest authority to warrant me in saying that confessions can be of no use whatever when taken apart from the machinery existing in the country for the detection of crime. That is what I mean when I say that this law is demoralising; it would be impotent, even more impotent than the law now existing, and which the other side has declared to be futile. I do think it would be impotent. If it is in any degree to be made potent at all, if it is to be made any wise useful, the policeman must manufacture confessions and induce people to give evidence against their accomplices. This is the most demoralising part of the law. Therefore we say, far from being a hand-maid in the hands of Government to punish offenders, it would be a kind of inducement to the police to manufacture confessions as best they may.

'Then I fail to understand why a little amendment of some that offence should be made compoundable has been omitted. As the Bill now stands, any and every conspiracy is non-compoundable. I made a little suggestion that the word 'not' before the word 'compoundable' might be omitted as regards certain offences. In the Indian Penal Code, there are, I believe, some thirty offences which are made compoundable. By compoundable it is meant, as Hon'ble Members know, that persons who are injured by the offences have the power, under the law, of making a compromise with the accused person, and thereupon Courts let the latter go. That is what is called 'compoundable,' and a number of offences, amounting to between twenty-five and thirty, are compoundable under the Indian Penal Code. I am not now in a position to say what offences under special or local laws are compoundable. Confining myself to the Indian Penal Code, I fail to see why, in the case of conspiracies to commit compoundable offences no offences should be made compoundable. Let me take an ordinary instance, that of an editor and a sub-editor. Let us assume that they agree to criminally defame a man in their

paper This will be an agreement to commit an offence. When they carry it out they may be prosecuted. But the offence of defamation is compoundable So if they complete the offence they are allowed to compound it, but if they stop with agreement, the law says it is not compoundable I am absolutely unable to reconcile myself to the principles of such provisions. Why it is quite an inducement to conspirators to go on and to complete the offence, for the law says to them, 'Do not stop at conspiracies as regards offences which are compoundable. If you stop there you cannot compound, but finish the crime and you will be able to compound it.' So I am astonished that that little amendment of mine was not accepted by the other side. Take again the case of hurt. Supposing a man actually hurts me, I have the power to forgive him, I have the power to compound the offence, but not the offence of conspiracy to commit it for—

The PRESIDENT:—"I am sorry to interrupt the Hon'ble Member, but he is really dealing all over again with sub-section 3, or rather the heading to the amendment No. 39, which he moved some time ago. This was fully discussed and at any rate, fully answered He can deal with the whole Bill and the principle involved in the Bill, but he is not entitled to go back and re-discuss the whole of that amendment."

The Hon'ble Mr. VENKATASUBBARAO:—"Very well, Sir, but permit me to say that the Bill does not carry out the stated intentions of the Government. I was only going to say that the Bill does not carry out the proposed intentions of Government. On the whole, therefore, taking the provisions of the Bill as they are, they are most mischievous and most calculated to demoralise the police, because they give them power to interfere in matters where it is impossible to get anything like real evidence, and there would be no other way to bring to light such crimes except by extorting confessions and making people who confess accomplices and witnesses against themselves and their fellow criminals

"Then as regards safeguards, permit me, Sir, to call attention to the fact that there is a distinction introduced between cognizable and non-cognizable offences for this purpose. Now it is well-known that in the case of cognizable offences the police have power to investigate of their own accord. In the case of non-cognizable offences, after once the Magistrate takes cognizance of such offences, the police then have power to investigate them when authorized by Magistrates who have ordinarily no means of investigating non-cognizable offences except by the employment of the police. Therefore, the distinction between non-cognizable and cognizable offences is this, that the policeman can without authority investigate cognizable offences, but in the case of non-cognizable offence he needs the authority of a Magistrate to investigate them. Practically, therefore, all these offences will be in the hands of the police It can be more easily imagined than it is necessary for me to describe what would be the effect of increasing so enormously both the degree of power and the volume of power to the hands of our police.

"Then there are a few arguments placed before us as regards the policy and necessity for this law, and there are three or four catchwords freely used such as, modern conditions and dangerous conspiracies, the gap argument, the imperfection argument and the innocence argument and so forth. As regards this gap argument, I have already disposed of this matter long ago. Therefore I do not think it necessary to repeat my argument that it was not a gap, that it was intended by the framers of the original Indian Penal Code to be what it was. On that day I relied upon my memory as to a particular passage in the Macaulay Commission which I said was the language of Macaulay. I have since found the passage and I beg permission to read it. The passage runs thus:—

'State crimes and especially the most heinous and formidable State crimes have this peculiarity, that if they are successfully committed the criminal is almost always secure from punishment. The murderer is in greater danger after his victim is despatched than before. The thief is in greater danger after the purse is taken than before. But the rebel is out of danger as soon as he has subverted the Government. So the Penal Law is impotent against a successful rebel, it is consequently necessary that it should be made strong and sharp against the first beginnings of rebellion, against treasonable designs which have been carried no further than plots and preparation. We have therefore not thought it expedient to leave such plots and preparations to the ordinary law of abetment. That law is framed on principles which, though they appear to us to be quite sound as regards the great majority of offences, would be inapplicable here.'

"This is quoted with approval, I believe, by Stokes in the preparation of his Anglo-Indian Code, and my remarks based upon this proposition are that it is recognised by the Macaulay Commission that the principles of the ordinary law, viz., that we should begin with abetment and not go further than that, are sound ordinarily, but that in the case of State offences we went, for the reasons stated in the passage, to get hold of the offenders at an earlier stage, and hence we make a departure from the principles which are accepted by the Commission as sound as regards the ordinary law. They make a departure in the case of State offences, and I submit very respectfully that the refusal of the Macaulay Commission to introduce a further law of conspiracy was intentional, deliberate, and mature. These high principles enunciated by the Macaulay Commission were accepted by this Council, after the Mutiny, under most provoking conditions.

"Then we are told that Sir James Fitzjames Stephen characterised the Indian criminal law as imperfect in the sense that it did not contain the English law of conspiracy more fully. It is a fact that he says so, but when does he say that? He says it ten years after he left India. I believe he left India in 1873. I am not quite sure, he did not stay here the full five years. About 1873, he left India and he published his History of the Criminal Law of England in 1883. It is there this passage for the first time occurs. I am therefore entitled to ask the question, as he was the Law Member of this Council and as he was a very powerful member too, what effect did he give to this view of his that the criminal law of India was imperfect as regards the conspiracies? Did he try to give effect to that opinion of his which he subsequently mentioned in his History of the Criminal Law? If he did not, I am entitled to say that the idea did not occur to him while he remained in India, and while he had in his mind the conditions of India most fresh. Further let me add that the conspiracy law under section 121A was introduced by him, and he says in one of the passages, I think in the speech in this Council, that he was personally responsible for it. So that while he was in India, he introduced this conspiracy law, namely 121A. It could not be therefore that he had no opportunity to think of this imperfection in the criminal law. He had an opportunity; he had dealt with a particular branch of the conspiracy law, namely as regards State offences, and yet he did not try to introduce the additional conspiracy law from the English law, either in toto or modified so as to suit the circumstances of this country. Therefore, in the light of these remarks his statement ten years later that the Indian law is imperfect in this matter is not entitled to a great deal of weight If, on the other hand, it be maintained that he tried

and did not succeed still it strengthens my argument. It means that his colleagues and the Government of the day did not agree with him that the criminal law was imperfect in the sense in which he said it was. Therefore it is immaterial to me which view we here to take. Either he held this opinion while he was in India, but was unable to give effect to it; or the opinion which he formed, he formed much later, namely about ten years later. That is the imperfection argument.

"The statement of Sir James Fitzjames Stephen in these circumstances that this law is imperfect is not entitled to that weight which it would have if he had not come to India, if he had not the resources, powers and opportunities to make the law all that he desired it to be. I shall have to speak with historic freedom if I say that in matters of criminal law, I should ask responsible members of Government and non-official members not to take Sir James Fitzjames Stephen as a very great authority. Sir Frederick Pollock, speaking, of his achievements in India, said that his notions were rough and not exactly in accordance with English ideas. I quote from memory, that Sir Frederick Pollock characterised the ideas of Sir James Fitzjames Stephen in relation to India as rough and not quite in accordance with English views. Therefore I am entitled to say that Sir James Fitzjames Stephen ought not to be accepted as quite an authority in matters relating to criminal law affecting India.

"The argument based on innocence is made much of by the Hon'ble the Home Member and he complimented me by saying that I was a law abiding member. All that I say is that I cannot understand how this serves him as an argument. May I ask why England has alone in the world secured the most extraordinary network of conditions and guarantees for its liberty? Why has it the Habeas Corpus Act, while it is not given to us? I need not argue the point further; it is a superstition to say that innocence and freedom from oppression are synonymous. If Englishmen need safeguards, much more do we need safeguards. Englishmen very wisely found and proved to the world, that it is not enough to have good laws, but that you must have guarantees that those laws are not abused by those entrusted with their administration. And of all people in the world, Englishmen should be the last to say that innocence and immunity from arrest and trial on false charges of offences are in any way correlated. I hope I shall not be misunderstood if I quote an instance. I do it for the best of purposes and from the best of motives. How did the English throughout this country act when the Ilbert Bill was introduced? From a High Court Judge downwards they opposed it, and to my mind rightly opposed it according to their own ideas about us. If the argument of innocence is to prevail, everyone of them was wrong. From the High Court Judge downwards they objected to being tried by the most enlightened Indian District Magistrates. Suppose I asked them 'are you all going to be offenders? Why are you afraid of the most enlightened Indian District Magistrates? What would be the answer given by Englishmen who started that agitation? That agitation, Sir, was quite a storm, a sublime storm, how do you account for such an agitation? Will anybody give me a satisfactory answer why the innocence argument fails when it is applied to the principles of that agitation?"

"All that I humbly submit is that the innocence argument as it applies to us, Indians, is carried too far. I repeat, it is a mistake and it is a very serious mistake to say that because a man is innocent, therefore he should not be afraid of bad laws and of the abuse of laws.

"The next argument, Sir, is what I may venture to call the company argument. The Hon'ble the Home Member is jubilant over the degree of support he has got in this Council in connection with this measure. Here again I tread upon dangerous ground, and I hope I shall not be called to account by my Hon'ble non-official colleagues. I will allude here to one or two facts. This company argument is an extremely valuable argument. In the first place, the Legislative Council is so constructed that Government is eternally bound to have its majority. No doubt, over and above the ordinary majority it is expected to command, there is a great deal of support forthcoming to this Bill, but I decline to associate this additional support with the real necessity for this Bill itself. Perhaps I would be justified, I think, if I allude to an important principle that exists in England, of which Lord Erskine was ostentatiously proud. In matters of treason the English law prohibits too prompt trials. And Lord Erskine rightly makes much of it, in that it is a product of the English constitution and it is due to the genius of the administration of justice in England, that when a man commits an offence against the reigning sovereign, commits treason, the law prohibits his trial promptly. Why is it? Because it is well known that, human nature being human nature everywhere that impartial administration of justice, that careful weighing of evidence, that freedom from prejudice which are necessary for finding out legal guilt would not exist if people are tried while the feeling is very great, because of the fact that a serious outrage offending the whole nation has been committed. Exactly the same thing has happened here, and reversing the great English constitutional principle that is exactly the reason why this Bill has been sprung upon this country and why the Government will not wait for the circulation of the Bill and for the opinions of the country usually sought and obtained. Now this has been taken advantage of, the fact that the country feels very warmly, rightly; and the national outburst of grief and loyalty is so very great still this opportunity has been skilfully chosen suddenly to spring this Bill upon us. No other explanation has been vouchsafed, and I have no other explanation to detect except this. But if this Bill had been brought one year earlier or one year hence, I console myself, I flatter myself, that the degree of support which the Hon'ble the Home Member would have obtained, would not be what it is now. Why, look at the speeches made on the day the Bill was introduced, and look at the speeches made now. It is very clear as I said a little while ago, that there is a genuine feeling on the part of my non-official colleagues that, on account of this outrage, they are bound to co-operate with Government in this matter. The argument, Sir, would have done honour to the argument which Mark Twain introduces so comically.

"This looks exactly like it. Hon'ble Members—some of them—saw the outrage committed, others have heard of it: hence they say we all must support the Bill. There is no more connection between this Bill and the outrage than there is between Mark Twain's seeing the cave, and the truth of the story of the Seven Sleepers. Therefore I respectfully submit this is not an opportunity that ought to have been taken advantage of for this legislation. It is fraught with danger and most mischievous in its scope and nature. This opportunity should not have been chosen by Government for flinging upon us such a Bill. And hence the support. This support I do not at all envy the Hon'ble the Home Member in having secured under these circumstances. It is said discretion takes place, political faculties. I am willing to raise the level of my imagination, and I ask the Hon'ble Members to fly with me for a while. What will be the next law, may I know? What will be the next law to arm the Government to suppress crime? Imagination fails me. Nothing is left—absolutely nothing. But it strikes me this is not at all an argument that ought to have been seriously advanced

in the way it has been advanced, namely, to connect it with an outrage for which everybody is most sorry. There are people, Sir, throughout the country who are most distressed now on account of the deplorable outrage, but it is my duty once for all to warn Government and Englishmen not to be misled by profuse lamentations in this connection. It is an unnatural and unholy thing. Pure and real feeling of loyalty exists in a subdued manner, and it would show itself in a natural manner rather than in profuse statements of joy or grief in and out of season. It is on these occasions that the best of Governments become nervous. I warn Englishmen from being deceived by these profuse statements. I respectfully submit that the Hon'ble the Home Member—you will pardon me the allusion—is occupying exactly the position which the ancient King of Britain? King Lear occupied. I have no other way of describing his position now. He will forgive me if I say I occupy the position of the King's last child. It is my duty to warn the Hon'ble the Home Member not to be misled by things of this kind. I beg leave to state that this is not the way in which crimes in India ought to be or can be put down. The other day the Hon'ble the Home Member was very angry with the Hon'ble Mr. Banerjea when he alluded to a policy of distrust. I have to allude to it. I will not call it a policy of distrust: I will call it a policy of weakness and want of true statesmanship. I will call it a policy of bad statesmanship. How do you administer the Arms Act, and the rules under the Arms Act? Our scoundrels have arms: our good men have no arms. Administer the rules in such a way that the scoundrels have no arms. Arm the villagers, and dacoities will cease in India. Arm the villagers, selected men, and trust them. Send your reports to the village and taking the best of the villagers, arm them and drill them, and see whether dacoities do not cease the next day. You may add law after law to the Statute-book but the dacoities will not disappear. That is my view. What is the answer given? What answer can the Government give? How do they explain this phenomenon in the administering of the law in such a way that the poor helpless people have no means of defending themselves while, whether off the Persian Gulf or somewhere the dacoits and other criminals manage to get and provide themselves with the best arms. But the law abiding, peace-loving people cannot. The obvious remedy is not to trust and arm the Police the more—a most futile act—but to place more and more reliance on the people themselves. I cannot bless the Arms Act."

The President.—"I think if the Hon'ble Member would endeavour to confine himself to the Bill before the Council, and not discuss the Arms Act, we might possibly be able to adjourn at a reasonable hour."

The Hon'ble Mr. Vijiaraghavachariar:—"It was only by way of illustration, Sir. I may be a little irrelevant but I crave your indulgence. I bow to the ruling of the Chair, but I ask him to allow me at this very late hour—not in the metaphorical sense—in the literal sense—to say that the remedies adopted to suppress crime in India are totally different from the remedies that have been adopted from time to time in Europe and all other advanced countries. I cannot but lament over the situation on the whole. It is and indeed that only one or two are obliged to oppose this Bill, and the Hon'ble Mr. Surendranath Banerjea has well expressed it when he said that our conduct is inspired by nothing unworthy. I for my part do not stand here simply as a representative of the masses or the plebians, I am not simply for them, but I am of them, and therefore in stating my views in opposition to the Bill, I have regard to what I believe to be well-being of the people, especially the lower orders who can ill afford to take care of themselves. Just at this moment, Sir, when Indian thinkers and leaders are endeavouring to lift up the lower orders—the ill-born, the ill-fed and the ill-clad—to a higher level, social, economic and if possible, political, just at this very time, a law like this is suddenly passed and added to the permanent Statute-book. Does the Government really believe that it is possible for Indian leaders and thinkers to co-operate with Government in the administration of laws of this kind, which though not in fact due to suspicion, are capable of being construed as arising from a policy of distrust and suspicion, passed as they are without taking the country into confidence? In this particular case it has been said that Government does it to protect the people. Not one Hon'ble Member on the other side—not one official Member on the other side—has told us that any suggestion came from the sufferers throughout the length and breadth of India to say that they wanted such a law. Not one sufferer has ever asked Government to protect them by severer laws than exist now. It is a remarkable silence pervading the whole of the speeches made on the official side. There is no evidence that there is any demand for this law from the people. There can be none. Government still is always thinking for us—never thinking with us.

"The whole of the thinking is done for us. In this thinking no assistance from the public has been sought. Sir I very respectfully submit that I am unable to join in the congratulations bestowed so freely and so profusely upon the Government on this occasion. Sir, in justice to everything I hold dear and sacred, in justice to my countrymen, to my Sovereign and to Englishmen, I must say that I think that this measure is the outcome of a very shortsighted policy, more calculated further to embarrass than to meet the position. I venture to say that it is not at all designed the better to strengthen Government as they fondly imagine. It would estrange to the thinkers and leaders of India, who would willingly co-operate with Government in ruling this Empire. I remember a short sentence by the Hon'ble the Home Member in reply to the Hon'ble Mr. Surendranath Banerjea that the Government takes the risk of working this law. Such words would never have been uttered in former days. Such a sentence would never have been uttered by a Bentinck or Canning, a Malcolm or Munro, a Macaulay or Peacock that Government would take the risk, that Government will take care of themselves and that we had better mind our own business. Such a spirit is absolutely inconsistent with the spirit of the makers of the British Indian Empire.

"Now I have only one or two remarks more to make and I shall have done. It has been said that this law is in several respects better than the English law. I beg leave to differ. I continue to adhere to my opinion that it goes further than the English law, while it has not all its safeguards. As I said the other day, in England employers and workmen have protected themselves from the operation of this branch of the conspiracy law by a special Statute. It has been said very ostentatiously that guarantees are provided in that there is the provision as to overt acts which the English law does not possess. That is not exactly accurate. As I said the English conspiracy law is not a statutory law: it is a law of which I may say frankly that Judges are at once legislators and administrators. One golden rule in the administration of the English law is this—that though in a conspiracy an unlawful agreement is of itself a sufficient overt act, yet in a prosecution for conspiracy, unless there is direct proof of an unlawful agreement, the evidence must in order to establish the agreement show an overt act done in pursuance of the alleged agreement. Lord Halsbury adds 'the evidence of such an overt act done in pursuance of the alleged agreement. Lord Halsbury adds 'the evidence of such

an act is always desirable even though it is not legally necessary.' What is the good of this boast then that we have introduced special safeguards which the English law does not possess? The English common law is scattered over a lot of things. How does the English law stand? Where there is no direct evidence of an agreement of a conspiracy an overt act is in all cases necessary in practice. I say this practice protects the English people far better than our law as to overt acts would. Lord Halsbury says that in all cases where it is not even legally necessary an overt act is necessary. That is how the conspiracy law is administered in England. Will our Judges and Magistrates administer it in the same spirit? I therefore join issue with the Hon'ble the Home Member and his supporters in the statement that our law is better than the English law. It is not better but much worse. It is very comprehensive. It has not the same guarantees, and it is capable of being abused, to an extent unknown and such as cannot be imagined in England. Sir, how many minutes more may I speak to-day?"

The PRESIDENT:—"I leave it to the Hon'ble Member's good feeling."

The Hon'ble Mr. VIJIARAGHAVACHARIAR:—"It is my duty to obey the recommendation of the Chair. I shall obey it and will conclude with these few remarks. I do not want to trespass on the time of the Council and the Chair any further. Sir, it strikes me that this Bill is exceedingly mischievous in its origin, in its development and in its passage throughout and in its present final form and scope. The policy of the law, I am sorry to say, having regard to the existing circumstances of the country, is a mischievous policy, and the plan of action adopted in carrying it through is a dangerous precedent. It is unlike the method followed by the Hon'ble Member entrusted with the Company Law. How did he behave when certain objections came to him at the last moment—objections which he said were unreasonable? With fresher English instincts—I blame none or only the climate of this country—with less sun-burnt English instincts, we find that even when objections are declared to be unreasonable he said 'Let us give those fellows a chance though.' I don't understand why the Hon'ble the Home Member did not adopt a similar attitude regarding this Bill.

"Sir, where I have no power fruitfully to criticise, give me the power to lament, to be in distress, to be in grief. I therefore repeat my analogy; my grief is like that of the divine child Cordelia. I hope like her and I pray like her that the Hon'ble the Home Member and those who support him and share his joy at present will not be involved along with the people of the country in one common ruin upon the administration of this law."

The Hon'ble Sir REGINALD CRADDOCK:—"Sir, I feel that I have the majority of the Council with me in cutting short any remarks that I might have intended to make on the merits of this measure. It was examined in Select Committee; and suggestions have been thrown out that the Members of the Select Committee agreed to the Report under some misapprehension. The best answer to this is that a Minute of Dissent was written by the Hon'ble Pandit Madan Mohan Malaviya. If there was any misapprehension, it was not shared by him, and if any members wanted to join him in that dissent, they were at perfect liberty to do so. Therefore I feel there can in no sense whatever have been any misapprehension about the support that they gave either in Select Committee or in their speeches this evening. There have been two opponents only, I might say, to the Bill, and they have opposed it with a pertinacity worthy of a better cause. It has been urged that there was no necessity for it, that it was ineffectual, and finally that it would act as an engine of oppression. That last is the only objection that requires a special answer at this late stage. I feel certain that the majority of this Council are satisfied that the safeguards that have been introduced will prevent the Bill being in any sense an engine of oppression. What safeguards do the opponents of this Bill want? Do they want safeguards which may be safeguards to prevent innocent people being harassed? or do they want safeguards by which guilty people may find loopholes of escape? If they want the former, we have given these safeguards; if they want the latter, we cannot and will not give them. Other strange statements have fallen from those who have opposed the Bill in the course of this debate. We were told, for instance, that the oppression of the private individual was not the concern of the state. As if the whole basis of the *Pax Britannica* in India, the whole basis of the confidence reposed in the British Government was not the belief and the confidence of the people in the power of Government to protect the weak from the oppressor.

"Sir, I feel convinced that all the fears expressed by the opponents of this Bill (of whose attitude I do not desire to complain) that all the fears they have expressed are absolutely groundless. I feel convinced that the confidence of those Hon'ble Members who have supported this measure will be fully justified by its working.

"It will enable one serious gap, as we have called it, in the Penal law to be filled up, and it will give no further facilities for police oppression or for persecution by the police or by private persons than would be the case under any existing section of the law. I am convinced that there are no such dangers as are apprehended by the opponents of this measure.

"Sir, there are certain measures which affect the safety of the Commonwealth which the Government, as constituted in this country, have to carry, with the support of the Council if it may, and without that support if it must. This measure is of that nature, and it is all the more gratifying to us that we should have had that support. I would even have liked to have won the support in the end of those two members who have opposed it. But it is most gratifying to us to have received the support that we have, because we feel that the co-operation of those supporters goes beyond the mere assertion that they lament and regret the crimes and outrages, and shows us that they are willing to give us their support in the practical way in which we have asked for it.

"Sir, I will ask now that the question be put."

The motion was put and agreed to.

The Council adjourned to Thursday, the 20th March 1913.

DELHI,
The 31st March 1913.

W. H. VINCENT,
Secy. to the Govt. of India, Legislative Dept.

(Republished by order of His Excellency the Governor in Council.)

L. DAVIDSON,
Ag. Secretary to Government, Legislative Dept.

The Council met at the Council Chamber, Imperial Secretariat, Delhi, on Thursday, the 20th March 1913.

PRESENT:

The Hon'ble Sir HARCOURT BUTLER, K.C.S.I., C.I.E.,
presiding,
and 57 Members, of whom 50 were Additional Members.

QUESTIONS AND ANSWERS.

The Hon'ble BABU SURENDRA NATH BANERJEE asked:—

"Will the Government be pleased to state if the Labour District Provisions of Act VI of 1901 will be withdrawn from Assam from the 1st of July next?"

The Hon'ble Mr. CLARK replied:—

"As certain local legislation in connection with the Labour District Provisions of Act VI of 1901 cannot be undertaken in the Legislative Council of Assam until the session of 1913–14, and as proposals for the better regulation of recruitment put forward in the same connection by the Indian Tea Association are still the subject of correspondence with the Local Governments concerned, the Government of India have decided to postpone the withdrawal for one year. It is therefore intended that it should take effect from 1st July 1914."

The Hon'ble BABU SURENDRA NATH BANERJEE asked:—

"(*a*) Will the Government be pleased to lay on the table a statement showing the organization and progress of the Imperial Institute of Science at Bangalore and the number of students in the several departments?

"(*b*) Will the Government be pleased to state whether they propose to publish a general report of the institute?"

The Hon'ble Mr. SHARP replied:—

"(*a*) There is no Imperial Institute of Science at Bangalore. The Hon'ble Member no doubt refers to the Indian Institute of Science at that place. The organization of the Institution is shown in the Government of India (Home Department) Resolution No. 434–448, dated the 27th May 1909, in Schedule H to the Vesting Order mentioned in paragraph 10 of that Resolution, and in the Calendar of the Institute. It is suggested that the Hon'ble Member address the Director of the Institute, who in his capacity of recorder to the institute is in charge of all documents relating to it, for any report or other information which may be available regarding its progress and the number of students.

"(*b*) The executive body of the institute is the Council of the institute; and the publication of a general report is for consideration by that body."

The Hon'ble Mr. FUZULBHOY CURSETJEE KHAKHI asked:—

"Will the Government be pleased to lay on the table a detailed return of annual accidents and collisions on Indian railways during the last ten years?"

The Hon'ble Sir T. R. WYNNE replied:—

"A return of accidents which occurred on the Railways in India during the ten years 1902–11 will be placed on the table as requested by the Hon'ble Member."

The Hon'ble Mr. FUZULBHOY CURSETJEE KHAKHI asked:—

"Will the Government be pleased to state the value year by year and the nature of the stores and railway materials purchased for Indian State Railways in Europe and India respectively during the last five years?"

The Hon'ble Sir T. R. WYNNE replied:—

"The information so far as it is available, is given below:—

(*a*) The total value of stores and railway materials purchased in England for State Railways during the past 5 years, was approximately:—

Year.	Amount.
	£.
1907–08	10,50,14,941
1908–09	12,01,46,923
1909–10	9,30,05,661
1910–11	7,44,03,909
1911–12	7,40,57,033

(*b*) The total value of stores purchased in India by State Railways, exclusive of building materials and other stores purchased by Engineers and charged direct to works during the same period was approximately:—

Year.	Amount.
	Rs.
1907–08	17,46,78,728
1908–09	19,30,33,942
1909–10	16,59,95,937
1910–11	15,53,96,860
1911–12	17,45,41,091

There is no ready means of dividing these figures accurately amongst the various classes of stores, but English purchases fall generally under—

Bridge Work (large spans),
Permanent Way,
Rolling Stock,
Engineer's plant,
Machinery,
Tools, etc., etc.,

and Indian purchases under—

Cast Iron (pig and castings),	Sleepers,
Structural ironwork, and Wagon bodies and underframes.	Timber,
	Plant, Oil, Coal, etc."

The Hon'ble Mr. FAZULBHOY CURIMBHOY EBRAHIM asked :—

"Will Government be pleased to state whether they propose to lay on the table as soon as received the Report of the Army in India Committee, presided over by Field-Marshal Lord Nicholson ?"

His Excellency the COMMANDER-IN-CHIEF replied :—

"No steps will be taken regarding the publication of the report of the Army in India Committee, until the orders of the Secretary of State on the subject are obtained, after he has himself received the report."

The Hon'ble Mr. FAZULBHOY CURIMBHOY EBRAHIM asked :—

"(a) Will the Government be pleased to state in what way the National Insurance Act has added to the Indian Army Expenditure ?

"(b) Was this Government consulted about the measure before its enactment ?"

His Excellency the COMMANDER-IN-CHIEF replied :—

"(a) The British soldier in India comes within the scope of the National Insurance Act, for the reason that (whilst serving in India) he is only temporarily absent from the United Kingdom, to which, in the ordinary course, he returns on discharge or transfer to the Army Reserve (if he does not proceed Home with his unit before then).

"During his period of service the British soldier is provided for, by the conditions of his service, when sick or disabled, and therefore does not require to receive any benefits under the Act (except the Maternity Benefit). On return to the United Kingdom, however, he will (as a civilian workman) be required to be insured under the Act. It thus became necessary to make special provision in the Act for the insurance of soldiers, with the object of providing funds for the payment of the Maternity Benefit, and for the provision of the 'reserve values' required to place them (when they leave the colours and become civilians) in as good a position as they would have held if, during their period of service, they had been constantly engaged in civilian employment.

"The sum necessary to provide for these objects has been assessed by the National Insurance Commissioners at 3*d.* per man per week, half of which is deducted from each man's pay weekly; the remaining half being contributed by the Army Council (in India by the Government of India). The approximate annual expenditure involved in the contribution payable by the Government of India, and certain incidental expenses, is Rs. 3½ lakhs.

"(b) The National Insurance Act, 1911, was passed into law, that is, was enacted, on the 16th December 1911.

"The Government of India were asked, on the 12th December 1911, whether it would pay the contributions required under the Act, namely, 1½*d.* per week for each British soldier serving in India. The Most Honourable the Secretary of State for India represented that the claim was equitable; and was practically certain to be upheld if the matter was submitted to arbitration.

"In the circumstances the Government of India agreed, on the 13th January 1912, to accept the charge."

The Hon'ble Mr. FAZULBHOY CURIMBHOY EBRAHIM asked :—

"Has Sir Alexander Hosie submitted to Government any reports on opium cultivation in China ? If so, do Government propose to lay the reports on the table ?"

The Hon'ble Mr. GILLAN replied :—

"The answer is in the affirmative. Copies of the reports are laid on the table."

The Hon'ble Mr. FAZULBHOY CURIMBHOY EBRAHIM asked :—

"(a) Has any correspondence passed between this Government and the Secretary of State for India in Council on the subject of the investment of the Gold Standard Reserve in securities ?

"(b) If so, will Government be pleased to state whether they propose to lay it on the table ?"

The Hon'ble Mr. GILLAN replied :—

"(a) The answer is in the affirmative.

"(b) The correspondence referred to by the Hon'ble Member is confidential, and it would not be usual to publish it at present. It will, however, presumably be placed at the disposal of the proposed Royal Commission on Indian Finance, and the question of eventual publication will then rest with that Commission."

The Hon'ble Mr. FAZULBHOY CURIMBHOY EBRAHIM asked :—

"(a) Avert the statement contained in paragraph 47 of the Resolution of the Government of India, No. 301 C.D., Education, dated the 21st February 1913, that 'the Government of India are disposed to think it desirable (in provinces where this is not already the case) to place the preliminary recognition of schools for the purposes of presenting candidates for matriculation in the hands of the Local Governments, and in case of the Native States of the Durbar concerned while leaving to the Universities the power of selection from schools so recognised.'

"Will the Government be pleased to state whether the above opinion is based on any reports or correspondence on the working of high schools, and if so, do they propose to lay such reports or correspondence on the table ?

"(b) Has there been any correspondence on the subject between this Government and the Universities ? If so, will such correspondence be published ?

"(c) Will Government be pleased to state in what provinces or areas 'the preliminary recognition of schools for the purposes of presenting candidates for matriculation' is in the hands of the Local Governments ?"

The Hon'ble Mr. SHARP replied :—

"(a) The Government of India are not prepared to make any statement on the subject.

"(b) There has been no correspondence between the Government of India and the Universities. The Universities will have an opportunity of expressing their opinion if a Bill is introduced.

"(c) The regulations of the Indian Universities regarding the recognition of schools have been tabulated and are laid on the table."

The Hon'ble Mr. FUZULBHOY CURRIMBHOY EBRAHIM asked :—

"(a) Is there any proposal before this Government for the amendment of the Indian Universities Act?

"(b) If no, will the Government be pleased to state how the proposal has originated?

"(c) Will the Government be pleased to state further if any Bill for the amendment of the Indian Universities Act is under consideration? If so, when is it likely to be introduced in Council?"

The Hon'ble Mr. SHARP replied :—

"(a) The answer is in the affirmative.

"(b) The proposal has originated by reason of certain defects in the Act as it stands, and the necessity of bringing it into harmony with the recent territorial changes and the general policy set forth in the Government of India (Education Department) Resolution No. 302 C.D., dated the 21st February 1912.

"(c) The question of the introduction of a Bill is under consideration. It is not known when it is likely to be introduced."

The Hon'ble Mr. FUZULBHOY CURRIMBHOY EBRAHIM asked :—

"Has any correspondence passed between this Government and the Secretary of State for India in Council regarding the amendment of the Indian Universities Act? If so, will the Government be pleased to state whether they propose to lay it on the table?"

The Hon'ble Mr. SHARP replied :—

"Correspondence is passing between the Government of India and the Secretary of State in Council regarding the amendment of the Indian Universities Act. The Government of India do not propose to lay it on the table."

The Hon'ble Sardar DARJIT SINGH asked :—

"Is it a fact that His Excellency the Governor of Bombay, in his reply to the address of the Karachi Chamber of Commerce in January last, referred to the delay that occurred in the office of the Inspector-General, Irrigation, in disposing of the Sukkur Barrage Project? Will the Government be pleased to state the facts of the case and what steps (if any) have been taken to prevent similar delays in future?"

The Hon'ble Sir ROBERT CARLYLE replied :—

"It is a fact that His Excellency the Governor of Bombay made the remarks referred to in the question with regard to the delay that occurred in the office of the Inspector General, Irrigation, in disposing of the project estimate for the Sukkur Barrage. The facts are as follows :—

"The project which involved an expenditure of about five millions sterling, and gave rise to many engineering problems of unusual difficulty was received by the Government of India in December 1910. It was sent to the late Inspector-General of Irrigation in January 1911, and was with him for a total period of 14 months. In returning it to the Government of India the Inspector-General of Irrigation explained that the delay in disposing of the case was due mainly to the following causes :—

(1) The project as received by him was incomplete in some important respects. The question of the possible effect of the weir on the movement of the Indus river had not been fully investigated and considered : there was no provision for river training and other important works ; and the usual financial statements had not been submitted.

(2) The design and location for the weir were unsuitable.

(3) The designs for the headworks would have involved the heading up of the Indus in all months of the year except July, and would have led to irretrievable disaster.

"In consequence of the incompleteness of the estimates and designs the Inspector-General of Irrigation arranged for a conference of Irrigation Engineers and called for a fresh design for the weir. The latter was received in August 1911. The revised financial statements were received in February 1912. The Inspector-General of Irrigation, in reviewing the plans and estimate in the following month, found it necessary to make an increase of more than a crore of rupees to the amount of the estimate in order to provide for deficiencies in the original proposal. The Government of India were entirely satisfied that there had been no undue delay on the part of their Inspector-General of Irrigation in dealing with the project and they see no necessity for taking any special steps to guard against delays in his office. They consider it essential that projects of very great difficulty and involving the expenditure of millions of public money should receive deliberate and most careful consideration at the hands of their technical advisers."

The Hon'ble RAI SRI RAM BAHADUR asked :—

"Will the Government be pleased to state what action was taken on Resolutions Nos. 1243—1252 (Stores), dated 19th February 1908, and published in the *Gazette of India*, Part I (pages 121–122), issued on the 24th February 1908?

"Will the Government be pleased to state the value of stores—products of local industries—purchased in the year 1906–1907 and also subsequently in the years 1908–1910, 1910–1911, 1911–1912 respectively?"

The Hon'ble Mr. CLARK replied :—

"(a) The action taken on the Resolution to which the Hon'ble Member alludes will be found summarised in the Resolution No. 4941-1566-102, dated the 24th July 1909, which was published at pages 667—670 of Part I of the "Gazette of India" of the 17th July 1909.

"(b) I place on the table a statement giving the figures asked for so far as they are available. These figures cannot, however, be regarded as complete, as they exclude purchases of articles which are invariably or by general usage purchased in India and also purchases of articles of any one kind or description of which the aggregate value in respect of each office or Department does not exceed Rs. 1,000 in a year. I may add that the decline in the value of stores purchased locally is accompanied by a similar decline in the value of stores purchased through the India Office."

Statement showing the value of stores of Indian manufacture purchased during the years 1908-09, 1909-10 and 1910-11.

	Rs
1908-09	1,22,26,355
1909-10	81,23,297
1910-11	77,96,921

Figures for 1911-12 are not yet available.

The Hon'ble RAI SRI RAM BAHADUR asked :—

"Will the Government be pleased to state if it is a fact that the sanction of the Secretary of State for India has been obtained for an *ad interim* increment in the salaries of headmasters belonging to the Indian Educational Service

"Will the Government be pleased to state whether the members of the Provincial Educational Service are also going to get any such increment?"

The Hon'ble MR. SHARP replied :—

"The sanction of the Secretary of State for India has been obtained to a change in the conditions of recruitment of headmasters belonging to the Indian Educational Service. Such headmasters were previously recruited on Rs. 500 rising by annual increments of Rs. 50 to Rs. 750 a month, but were eligible for inspectorships, and, when made Inspectors, advanced by further increments to Rs 1,000 a month. It has been found desirable to offer higher terms from the beginning in order to attract the best men available.

The Government of India recently recommended, and the Secretary of State sanctioned, increases in the salary of certain deserving members of the Provincial Educational Services. Allowances of a permanent nature, not governed by Article 81 of the Civil Services Regulations, have been sanctioned, to the amount of Rs. 150 a month in each case, for Dr. P. C. Ray, Dr. D. N. Mallik, Mr. S. C. Mahalanobis, Rai Sahib Dr P Chatterji and Mr J. N. Das Gupta in Bengal, Mr Gopal Singh Chawla in the Punjab, Mr. C. W. Ainley in Burma, and Mr. R. W. F. Shaw in Bihar and Orissa. It has also been recommended that other deserving cases or cases of hardship, which have been reported, should be treated by the Local Governments concerned under powers governing the grant of allowances which were last year conferred upon Local Governments."

The Hon'ble Mr. GHUZNAVI asked :—

"(a) Is it a fact that a distinction used to be made between Indian and non-Indian telegraphists in regard to house allowances?

"(b) If the answer to (a) is in the affirmative, will the Government be pleased to state whether the distinction has been removed, and, if so, how and from what date?"

The Hon'ble Mr. CLARK replied :—

"It is a fact that a distinction used to exist between Indian and non-Indian telegraphists in respect of the grant of house allowances, for which the latter only were held to be eligible. The reasons for the distinction were, firstly that only non-Indian officers could be relied upon not to object to compulsory residence in Government quarters, and secondly that these officers experienced greater difficulties than Indians in securing suitable accommodation close to their offices in towns in which Government quarters were not available

"Government, however, consider that a distinction of this kind is open to objection, and they have accordingly decided to remove it with effect from the 1st of the current month. In future all members of the General Scale of the Service will be eligible for these allowances if Government quarters are not available."

The Hon'ble Mr. GHUZNAVI asked :—

"Will the Government be pleased to state if it is contemplated to have a railway line connecting the town of Rajshahye with the northern section of the Eastern Bengal Railway?

"Is the Government aware that a deputation of the Rajshahye People' Association waited on His Excellency the Governor when he visited the town of Rajshahye in August last, and among other things prayed for the railway connection between Rajshahye and Nattore? If so, will the Government be pleased to consider the desirability of sanctioning this project in preference to any other that the Government may have in contemplation for connecting the town of Rajshahye with the northern section of the Eastern Bengal State Railway?

"Will the Government be pleased to state which will be the shorter and cheaper line of the two following ones :—

"(a) Between Rajshahye and Nattore crossing a smaller river Ihabmalia, or

"(b) Between Rajshahye and Sara (along the bank of the Ganges) crossing a larger river, Boral?"

The Hon'ble Sir T. R. WYNNE replied :—

"The question of connecting the northern section of the Eastern Bengal State Railway with the Katihar-Godagiri section of that line is being carefully investigated and the necessary surveys are being carried out.

"The question cannot be considered solely from the local point of view as the connection will be a very important factor in improving the railway route to Calcutta between Eastern Bihar and the west part of Northern Bengal when the Sara Bridge is open to traffic.

"At the present time, therefore, Government cannot give any definite assurance as to the route to be adopted.

"With regard to the comparative cost of a line from Rajshahye to Nattore and Rajshahye to Sara, the latter would cost more, but the extra cost would be justified if it gave the best commercial communication between the two sections of the Eastern Bengal State Railway."

The Hon'ble RAJA ABU JAFAR asked :—

"Has the Government received a report from the Government of the United Provinces on the question of separate representation of Muhammadans on Municipal and District Boards? What action if any do the Government propose to take in the matter?"

The Hon'ble Mr. PORTER replied:—

"The communication referred to by the Hon'ble Member has been received, and the question of separate representation of Muhammadans on Municipal and District Boards is under the consideration of the Government of India."

BUDGET FOR 1913-14.

The Hon'ble Sir GUY FLEETWOOD WILSON:—"I have to lay before the Council the Budget for 1913-14 in its final form. The Financial Statement which I presented on the 1st of March has since then been subjected to criticism and discussion, and as the result I think I am entitled to claim that our financial arrangements have the approval of the great majority of Hon'ble Members. We have made a further examination of the figures in the light of the latest information available and the final form which they take is shown in the statements which are in the hands of Hon'ble Members, and in the explanatory memorandum which also has been revised and brought up to date.

2. The changes in the figures which I have to describe on a comparison with those entered in the Financial Statement are few and of no great importance, and I need engage but little of the time of the Council in describing them.

3. In the year which is about to close our Imperial surplus is now likely to be £31,800 higher. In the March sale we have obtained a very high price for uncertificd opium and the estimate of opium receipts is increased accordingly by £51,800. Land revenue has increased by £32,000 in consequence of very high collections in Burma, and Customs also advance. On the other hand, there has been a distinct falling off in recent weeks in railway earnings chiefly on the North-Western Railway and we have had to reduce our estimate under this head by £100,000. The provincial account shows a betterment of £51,600, nearly the whole of which has accrued under land revenue with less important alterations which practically cancel each other under other heads.

4. As regards the Budget of next year I have only to notice that the Imperial surplus has been increased by a matter of £15,100, chiefly in consequence of certain corrections proposed in the budget estimates of heads of revenue, such as excise, which are divided with Local Governments. The provincial account on the other hand is £73,400 worse than in the Financial Statement; the Local Governments of Bombay and Burma having increased their provision for expenditure on Civil Works by 11 lakhs.

5. In the matter of Ways and Means, the most important feature I have to notice is the drop which has recently taken place in Council Bills, the amount offered for sale having fallen from 80 lakhs on the 6th of March to 60 lakhs on the 12th of March and again to 40 lakhs on the 19th. The Secretary of State has in consequence reduced his estimate of drawings to £26,650,000 which is £1,400,000 less than the estimate given in the Financial Statement. In view of this decline in the drawings and of the large proportion which is likely to be drawn in telegraphic transfers instead of bills, we have reduced the estimate of probable outstandings at the end of the year by £502,000. These outstandings represent bills which have been drawn and for which we have received the money in London, and which have not been cashed by us in India. It will be obvious, therefore, that a reduction in outstandings means a deterioration of the same extent in our total balance. On the other hand, there is the improvement I have already described in our revenue account which contributes an additional £86,000 to our balances; there are lapses in capital expenditure of £751,000, and an improvement under Deposits and remittances of £122,000. On the whole therefore our closing balance for the current year is likely to be only £43,000 less than the figure which I gave in the Financial Statement. I may mention that for next year the Secretary of State has increased his estimate of drawings by £450,000 and there will be in addition a remittance Home of the same amount in light weight sovereigns. These transactions do not affect our balance as a whole; but as I have just said the opening balance will be £43,000 less, there is a deterioration in the revenue account of £58,000 and the estimate of net credits from remittances has been reduced by £131,000, so that the final figures show a closing balance for 1913-14, £232,000 less than in the Financial Statement. I think the Council will agree with me that the nearness with which we were able to state our figures in the Financial Statement—especially in view of the great difficulties which have attended the compiling of the Budget at Delhi for the first time, reflects the very greatest credit on the staff of the Finance Department on whom this very heavy work falls. There are no other points which it is necessary for me to bring to notice of Hon'ble Members, and I need only add before sitting down that while there will be no discussion on the Budget today it will be open to them next Monday to offer any observations on it which they think proper, without moving Resolutions or dividing the Council.

[At this stage the Hon'ble Sir Guy Fleetwood Wilson, Vice-president, took the Chair.]

RESOLUTION REGARDING OPENING OF THE PORTS OF CALCUTTA AND CHITTAGONG FOR EMBARKATION OF PILGRIMS TO THE HEDJAS.

The Hon'ble Sir IBRAHIM RAHIMTOOLA:—"Sir, I beg to move the following Resolution:—

'That this Council recommends to the Governor-General in Council that the ports of Calcutta and Chittagong be thrown open for the embarkation of pilgrims to the Hedjas.'

"Sir, my object in bringing forward this Resolution is primarily in the interests of the pilgrims, in order to provide greater facilities for their embarkation, and to ensure reasonable rates of passage-money on their journey; secondly, to afford some relief to the City of Bombay which has now to deal with the entire pilgrim traffic not only of the whole of India, but of those places outside India from which pilgrims embark through India.

"Before I deal with the question, I think it is desirable that I should give a brief history of the question for the information of those Hon'ble Members who do not know the exact facts of the pilgrim traffic.

"Up to the time plague broke out in 1896, all the principal ports in India were open for the embarkation of pilgrims, and those pilgrims who wanted to go to Jeddah for the purpose of performing their pilgrimage were free to choose their own port. At the end of 1896 or the beginning of 1897, when plague had spread into other parts of India, there was a natural apprehension in Europe against the introduction of infection into that Continent through the Red Sea by means of

these pilgrimages. It is an open secret that the Home authorities called upon the Government of India to take stringent measures to prevent the possibility of this infection spreading into Europe from the Red Sea and by means of these pilgrims. As a result of this, in 1897, all the ports were closed, and it was notified that pilgrims desiring to embark for the Hedjaz were to do so from the ports of Chittagong and Karachi only, and subject to very severe restrictive sanitary measures. For some reason or other the arrangements required for these restrictive measures were not carried out in Karachi, and therefore the only port of embarkation during that period was Chittagong. Now, Sir, I am quite prepared to admit that Chittagong is not a suitable central port for the whole of the pilgrim traffic of India and places outside India; but it is to my mind admirably suited to the Mohammedans of Eastern Bengal, who in large numbers go to perform their pilgrimage every year. When I deal with the number of pilgrims I will also deal with the question of the number that approximately goes from the different ports of of India. At present I am merely giving the history of the question. Chittagong served as a port of embarkation from 1897 to 1902, or it may be up to 1903. In 1902, the port of Bombay was re-opened for the pilgrim traffic, but as the orders to that effect were issued late, and sufficient time was not available for the information to reach the different parts of India, the number of pilgrims who went from Bombay in that year was very small. The number in 1903 was also small, but considerably larger than the number in 1902 which was only about 1,072.

"The opening of the port of Bombay was also subject to very severe restrictive measures. A segregation camp was put up on an island in the harbour of Bombay. Every pilgrim before he was permitted to embark was taken to this segregation camp and detained there for ten days under observation, and then the whole batch was taken directly on board the steamer bound for Jeddah and allowed to depart. That lasted for about two years. In 1904 or 1905, the number of days of detention at the Pir Pao segregation camp was reduced to five days. In 1906, in consequence of the strength of the Muhammadan agitation on the subject of the futility of this detention in quarantine, especially in view of the fact that the pilgrims from India were required after a ten days' sea voyage to undergo quarantine detention for a further ten days at Kamaran under the orders of the Turkish Government, it was represented that this detention at Pir Pao was unnecessary. That view ultimately prevailed, and the Government of India, in 1908, sanctioned the abolition of quarantine detention in the segregation camp at Pir Pao, and substituted therefor medical inspection of pilgrims before departure and disinfection of their luggage. The medical inspection of the out-going passengers by sea is common to every class of passengers, so that so far as the pilgrims were concerned, they were placed on the same footing as other out-going passengers by sea. The only additional safeguard that was provided was the disinfection of their luggage, and this has continued up to now. I do not know why, having abolished quarantine detention in India, the prohibition to embark from the other ports was continued. I think in 1906, if not earlier, it was laid down that all pilgrims should depart from Bombay and Bombay alone. This lasted from 1908 to 1912, in which year the port of Karachi was opened at the instance of the Government of Bombay with the sanction of the Government of India. In dealing with the question in the Bombay Legislative Council on my Resolution asking for the opening of further ports for the embarkation of the Hajees, I pointed out that the opening of Karachi would merely serve the secondary object, namely to afford relief to Bombay city, but would hardly affect the main problem of the high passage rates to Jeddah, and the difficulty of finding sufficient steamer accommodation for all the pilgrims who went to Bombay for the purpose of embarkation. Sir, Karachi is a port *en route* to Jeddah from Bombay, and the available steamer accommodation for both these ports is practically the same. In some cases steamers may be taken off the Bombay run and may go from Karachi to Jeddah, or in other cases steamers may partly load in Bombay taking the remaining number of passengers to complete the full complement at Karachi and then go on to Jeddah. So that the main difficulty that confronted the pilgrims would, I said, remain unsolved by the opening of the port of Karachi.

"Well Sir, it appeared to me that some measure was called for to minimize these difficulties and to remove these hardships. I felt that the best plan would be to revert to the position which prevailed before stringent and special regulations were considered necessary in consequence of plague. In former years all the ports were open; pilgrims were therefore able to choose their port of embarkation. I therefore felt that, as Karachi was open, Calcutta, Chittagong and Madras should also be opened. I therefore brought forward that Resolution in the Bombay Council. I will now deal with the figures showing the number of pilgrims who embarked from Bombay city in the past. During the eight years from 1889 to 1896 the year of the outbreak of plague, the average number of pilgrims that went from Bombay works out approximately to 16,000. I need not refer to the period from 1897 to 1903 during which time stringent plague regulations remained operative. From 1904 to 1910 the average number of pilgrims that left Bombay was 15,000, nearly double the number that went before plague broke out. The number of 15,000 has got to be supplemented by a considerable number of those pilgrims who had in some of these years to return back to their native places because they were unable, either in consequence of the high rates of passage money, or in consequence of the want of steamer accommodation at Bombay to go on the pilgrimage. So that the demand in connection with the pilgrim traffic was more than doubled during this period. It may be that this growth in the number which has doubled from 10,000 to 20,000 may be due either to the closing of all the other ports and concentrating the entire pilgrim traffic on to the port of Bombay, or it may be due to a growth of the desire to perform the pilgrimage among the Mussalmans of India and they went in larger numbers as time went on. This increase is probably due partly to the one cause and partly to the other. In either case, whatever is the explanation, the result calls for effective remedies to be applied. I wish to invite the attention of this Council to the fact that there is no analogy between the circumstances that prevailed before 1897 and the circumstances which have prevailed since 1904. In the period before 1897, the average number of pilgrims who embarked from Bombay city was small. The *Muzafirkhana* accommodation for the pilgrims was sufficient for the traffic as it then was, and whether the pilgrims went from other ports or did not go from those ports and went from the port of Bombay alone the pressure of traffic being normal no remedies were called for.

"Since 1904, the pressure has obviously increased as on many as 24,000 went in one year. Now it has been stated that the pilgrims themselves desire to go to Bombay in preference to embarking from a port nearer home. That may have been so in the period before 1897, when there was no difficulty in getting passages, and when passage rates ruled at what I regard to be normal figures. I

will come a little later on to the question of the actual rates. Now circumstances have altered in consequence of the large increase in the number of pilgrims who embark from the city of Bombay, the rates of passage money have largely risen, and even in spite of these high rates, there have been times when the available steamer accommodation has been found insufficient to meet the requirements of the traffic. The consequence is that pilgrims have gained the bitter experience of having undertaken a long railway journey to the city of Bombay, staying there for several days in the vain hope of securing a passage at reasonable rates, or of finding steamer accommodation, and then being obliged to go back all the way. When we remember that the pilgrims travel in third class railway carriages and are accompanied in many cases by the female members of their family and their children, the Council will realise the hardships entailed under the existing system. In view of this experience, I venture to think that, even if the other Indian ports were not availed of in former years, *i.e.*, in years before 1897, circumstances have completely altered, and Mahomedan pilgrims would now be but too glad to avail themselves of facilities of embarkation nearer home, instead of running the risk of taking this long railway journey and then being stranded in the city of Bombay.

"Now, Sir, I come to the rates of passage money which prevailed before and which prevail now. I should like to point out that the Haj can be performed only on a given day in the year, according to the lunar calendar, and that everyone who wishes to discharge his religious obligation of performing the Haj has to get to Mecca a little before that date; so that the demand on steamer accommodation varies according to the time at which pilgrims desire to reach Mecca, or, in other words, to embark from the port of embarkation. In former times, *i.e.*, before 1897, the rates of passage money at the earlier stages of the season ranged from between Rs. 20 and Rs. 30 for deck passages, and, as far as my information goes, it never went beyond Rs. 50. During the latter period there have been occasions when the maximum has reached Rs. 150, and even then it has been found that available accommodation is insufficient. Therefore, Sir, the position is this. A large number of pilgrims go to Bombay at the time of the Haj approaches near, and when they get there these difficulties confront them.

"The other difficulty, in regard to which very serious hardships have been noticed in the past, is the want of sufficient house accommodation for these people, and there have been times—and I make this statement without any fear of contradiction—that these Hajis, failing to find house accommodation in the city of Bombay, have had to sleep on the public footpaths. Through the philanthropy of a Mahomedan gentleman of Bombay Mr. Mahamed Isachoo Haji Saba Sidick, a big *Musafirkhana* has recently been built at a cost of over three lakhs of rupees, and we owe our grateful acknowledgment to the Government of Bombay for having given a most suitable and valuable site for the putting up of this *Musafirkhana*. But if the present policy of having Bombay and Karachi as ports, and Bombay as a central port, for the pilgrim traffic continues, and if the present increase in the number is attributed to the natural growth of this traffic then in the course of the next few years I am afraid that all the available house and *Musafirkhana* accommodation that Mahomedan philanthropy may provide would be again found insufficient, and these poor Hajis will have to go to Bombay and pass through the same experience which they had to undergo some years ago of availing themselves of public footpaths for sleeping purposes. Sir, this is a state of things which I do not think ought to be tolerated. In these circumstances, it has appeared to me that a case has clearly been made out for applying remedies to meet this evil. I submit that the remedy is obviously the one that I am advocating. From Eastern Bengal, or rather from Bengal now as a whole, the number of pilgrims that actually go for the Haj every year ranges from three to five thousand out of a total of twenty thousand. From Oudh about three thousand pilgrims go every year. Now, Sir, I venture to submit that, if Calcutta and Chittagong were opened, or at all events one of these two ports was opened, a large portion of this traffic would become diverted, thus affording relief all round, affording relief to the pilgrims, to the city of Bombay, and also affording relief in the matter of steamer accommodation, by reducing appreciably the demand for the limited space in the Bombay harbour, so that the exorbitant rates that have prevailed in the past few years would, by the reduction of the demand on the space available, be appreciably reduced.

"Sir, I put certain interpellations in this Council, and the first answer I received was that the matter had been, at the instance of the Government of Bombay, considered by the Government of India, who, in consultation with the Governments of Madras and Bengal, had decided not to comply with my request of opening these ports on the score of the expense involved. I venture to submit, Sir, that the question of expense ought not to have been brought forward. Fortunately I know that the cost of opening a port is not very heavy. The port of Karachi was opened by the Government of Bombay, and the Budget estimate for that measure in the Provincial Council indicated that the initial non-recurring cost would be Rs. 80,000, while the annual cost would not be more than Rs. 10,000.

"It appears to me that, if Government choose to impose severe restrictive measures on the embarkation of a class of His Majesty's subjects, it does not lie in their mouth to say that they will not incur the necessary cost for providing adequate facilities required by people who are subjected to those measures. Therefore, Sir, I think that the question of cost ought not to weigh with this Council in accepting the Resolution which I am placing before them.

"Then, Sir, I put some other interpellations asking for certain detailed information under various heads, and I was referred for a part of that information to official publications, and in regard to the rest to the Bombay Council. Sir, I would have been delighted to have asked for this information in the Bombay Council, but I wanted to convince the Hon'ble Member and the Government of India that I had a strong case and it is for that purpose that I wanted the Government of India to obtain this information and to see that what I was asking for was of the utmost reasonableness. I would have gone to the Government of Bombay had it not been for the fact that it was in Bombay that I first moved this Resolution, a Resolution which merely asked that the Government of India should be requested to reconsider the matter as to whether the reasons which had led to the closing of the other ports operated any longer, and whether they would not now throw open those ports. I moved that Resolution in this form because it is not within the province of the Government of Bombay to call upon the Government of India to do this. They are a subordinate Government; and all that they can do is to make a request and draw the attention of the Government of India to a given subject. Sir, that was the Resolution I moved in the Bombay Council, and the Bombay Government, who are thoroughly conversant with all the facts which I wanted to elicit by means of my interpellation, accepted my Resolution; so that it has come to the Government of India with the full mark of approval, not only of the Government of Bombay,

but also of the public of Bombay through their representatives in the Bombay Legislative Council. Under the circumstances when I come and submit this appeal to the Government of India on behalf of my co-religionists, my hands are strengthened by the support which I received from the Government of Bombay and from the Legislature Council who passed the Resolution which I moved there. Therefore, Sir, it is no use replying to my interpellations, that I should go to Bombay. I have been to Bombay, I have succeeded in Bombay, and now I come as a suppliant to the Government of India to invite them to consider the serious hardships which are entailed upon my co-religionists in the discharge of their religious obligations, and to ask them to apply remedies to meet the evil. The remedy that has appeared to me to meet the case is the one that I have indicated. If that remedy is not acceptable, if Government are not inclined to throw open both these ports, let them begin by throwing open one port. But I venture to submit that, unless the pressure of the traffic in Bombay is appreciably reduced by some means by which a portion of the traffic is substantially diverted from those waters, no effective remedy will have been applied. I shall be very glad to consider them if any alternative remedies are suggested. At the same time I am bound to point out that the question has reached a stage at which it cannot be allowed to go on without the application immediately of an effective remedy to remove the hardships that are obviously entailed under existing conditions.

"Sir, the average number of pilgrims is 20,000 at present, and assuming for argument's sake that the rate before 1897 averaged Rs. 40 per head, and taking the latter period 1904 to 1910 at the average of only Rs. 100, the difference is Rs. 60, which means a difference to the pilgrims of 12 lakhs of rupees per annum. Apart from this heavy additional liability, the existing arrangements also entail very serious hardships.

"Now, Sir, in conclusion (I see I have got only 3 minutes left, and though I have a great deal more to say, I will curtail my remarks) I wish to emphasize the point that it is Government who lay down that every pilgrim shall go to Bombay for embarkation. Pilgrims have got to undertake from distant parts very long railway journeys, accompanied in many cases by the female members of their families and by their children. Having undertaken a long journey from East Bengal covering 50 or 60 hours in third class carriages which are none too comfortable they got to Bombay and there find perhaps that the rates of passage money are too high, or that steamer accommodation is not available, and therefore they have got to be, not only disappointed in their desire to proceed to pilgrimage, but they have got to go all the way by the same class of railway travelling back to their homes. Sir, if Chittagong or Calcutta was opened, it may reasonably be assumed that at least 3,000 pilgrims would annually go through that port. If a few of the pilgrims failed to get steamer accommodation, at such a port which is so near their homes, at all events they would all have been saved the long journey to Bombay and back.

"Sir, I think I have made out a strong case for some effective remedies to be applied, and I hope that my Resolution will commend itself to this Council."

The Hon'ble Mr. GHUZNAVI:—"Sir, I rise to give my heartiest support to the Resolution which has just been moved by my friend Sir Ebrahim Rahimtoolah. My friend has told us at length the history of the question and, therefore, it is not necessary for me to traverse the same ground over again. But there are just two points which I should like to emphasize very strongly. The first point is the importance of the Hadj to the Mussalmans, and the second point is as to how this question affects the Mussalmans of Bengal and Eastern Bengal and Assam. Sir, there are a few cardinal points in Islam. The first, is the belief in the unity of the All-merciful Allah; the second, is the belief in the Day of Judgment; the third, is the saying of Prayers; the fourth, is the giving of Charity; the fifth is the leading of an absolutely honest life, in other words, Acting Aright, and the sixth is the Performance of the Hadj. You will thus see, Sir, that Hadj forms a very essential portion of our religious obligations. Now, in Bengal, as it is now constituted, in both the Eastern and Western portions there are something like 40 millions of Mussalmans. The entire Mussalman population of India, I think, will not be double that number. Therefore the Mussalmans of East Bengal and West Bengal suffer very great hardships as regards this question of performing their Hadj. My friend Sir Ebrahim has given a number of figures. I will just, with your permission, go to figures for only two years. In this book (it is a Report of the Sanitary Commission) I find on page 8 the total number of pilgrims that left from Bombay came to 18,014 in the year 1910. From the second book (which is also the Report of the Sanitary Commission) I find on page 7 that the total number of pilgrims that left Bombay in the year 1911 came to 22,882. Now, Sir, from these figures I presume that half of this number must have left from East and West Bengal. What I should like to ask is this, why should so many thousands of Mussalmans be obliged to travel all the distance from remote parts of Bengal and Assam and go down all the way to Bombay, defraying an unnecessary expense for their railway fares for the discharge of their religious obligation, namely the Hadj.

"Personally I do not think there can be any objection on the part of Government to allow the ports of Calcutta and Chittagong to be thrown open to these pilgrims. Besides the hardships entailed in making such a long journey from remote parts of both Bengals, there is another very important thing, and that is the rise in the steamer fares that takes place when there is a very great rush of pilgrims from all these parts to Bombay. Years ago Mussalmans from these parts had only to collect a moderate sum of money, about Rs. 200, and that would have been sufficient for them to perform their Hadj and to satisfy their conscience, but now, owing to the closing of all these other ports, pilgrims have got to rush down all the way to Bombay, and the result is they have got to collect a very large sum of money, ranging from Rs. 500 to 700, and when they get to Bombay, what is the state of affairs? They find that Steamer Companies, as soon as they discover that there is a great rush of pilgrims, raise their rates; so it is only those who arrive there during the early part of the Hadj season that can manage to find their way to Mecca for moderate sum of money, and those who go during the latter end of the Hadj season are obliged to pay large sums of money in the way of their steamer fares.

"Under these circumstances, I urge the Government to consider the desirability of this question, and to afford the relief that is due to Mussalmans."

The Hon'ble Mr. FAZULBHOY CURSETJEE:—"Sir, the Honourable mover has hardly left anything unsaid on the points covered by his Resolution. I do not repeat his arguments; but I may just touch upon one or two features of the question of the transport of Mussalman pilgrims, or Hajis, which lend weight to my friend's suggestion. It may very well be that the throwing open to

pilgrim traffic of the ports of Chittagong and Calcutta will not relieve to a large extent the present congestion in Bombay, but the course will be attended with other and more important results. These pilgrims suffer greatly at present on account of the sudden enhancement in the rates of fares charged by the speculators who charter steamers for the occasion. The big steamer companies do not find this a profitable business. For the pilgrim traffic, special arrangements have to be made on board the steamers, and these cannot be made by these companies only for a few months. The seasonal character of the traffic is the greatest disadvantage. Individuals, attracted by the profits, therefore charter steamers for the season, but these steamers are necessarily not of the right sort. Besides, the speculators want to make large profits by raising the fares. What is done is this. Certain rates, and they are generally low rates, are advertised at first, and when poor people come to Bombay in large numbers with just enough to cover the expenses of the journey on the basis of the rates advertised, the scale of fares is suddenly increased enormously, with the result that the poor men have to go about the streets begging for money to make up the deficit, and, on failure to raise the necessary amount, to go back to their villages disheartened after a good deal of suffering. It is this suffering of my co-religionists which must be relieved. Government knows full well that of late the Indian Mahommedans have developed great religious enthusiasm. This has only accentuated the difficulty, and the misery has increased with the consequential increase in the number of pilgrims. The Haj Committee of Bombay, it is true, is rendering excellent service in this connection; Mussalmans have built big *Musafirkhanas* at Bombay, and the pilgrims are looked after with great care until embarkation. The difficulty begins after that. New difficulties arise every year. Year before last large numbers of Hajis were left stranded in Arabia. There was no steamer to bring them back. The Bombay Hadj Committee thereupon raised money for their journey back. Last year when a similar difficulty arose, Government had to pay the money. The whole thing thus requires careful handling by Government. As a step towards a satisfactory solution of the difficulty, I move Government for the adoption of the course suggested in the Resolution. As I have already said, the throwing open of the two additional ports may not by itself effect a great change in the lot of the pilgrim. It may be desirable for Government to prepare a schedule of reasonable fares which the charterers of the special steamers should be persuaded to accept. If these people prove obstructive, it will be the duty of the Mahommedans to co-operate with Government, and either to start a special company for the transport of the pilgrims, or to make suitable arrangements with some respectable British company for their transport. A conference of representative Mahommedans with Government officials will be desirable. But until all this is done, Government will do a great good to Indian Mahommedans by throwing open the ports of Calcutta and Chittagong to the pilgrim traffic. Hindu pilgrims are carried to their places of pilgrimage even in wagons. Government shows commendable solicitude for them. It is expected Government will show equal solicitude for the Mahommedan subjects of His Majesty, and should provide them adequate facilities for visiting their chief place of pilgrimage. With these remarks, I beg to support the Resolution."

The Hon'ble MALIK UMAR HAYAT KHAN:—"Sir, as a Mahommedan representative I feel my duty to support this Resolution and specially when the case is so strong and ably put by the Hon'ble mover. We are thankful to the Government for the previous concessions to the pilgrims in this country as well as the help given them at the time of the war when the hostilities were going on in Red Sea. We are thankful a lot, and would be still more thankful if further facilities were given us for embarkation. I have heard complaints from pilgrims who have returned from Hedjaz that they suffered at Karachi and Bombay owing to the block. As such a big host of men cannot embark having sometimes old women, etc., with them, it is difficult to find shelter till arrangements for embarkation are complete from one port or two. It is most essential that further help should be given by opening ports for which all Mahommedan population will be grateful. For these reasons I strongly support the Resolution, and thank Sir Ibrahim on behalf of the Punjab Mahommedans for taking the initiative in moving such a useful Resolution. Now, Sir, it may be asked why do the Punjabis complain when their ports are Karachi and Bombay. The difficulty is that they go from the same ports as we do, and they block us, so we want them to go their own way and we wish to go our own way. Government has given its pledge that all the communities under them will be quite free to perform their religious duties, and this is one of our religious duties. We may be told that we are allowed to go and are quite free to do so, but when we wish to go we find that the door is shut and we cannot go. What we really want is that Government should open the door. If only one hundred persons may go a certain way and two thousand go to the place there naturally ensues a block. All that we want to ask the Government is that they should kindly remove this block so that we may be able to perform our religious duties which Government have kindly pledged themselves to allow us to do."

The Hon'ble Mr. MIR ASAD ALI:—"Sir, in rising to support the Resolution moved by my Hon'ble friend Sir Ibrahim Rahimtoola, I desire to draw the attention of Government to the just and legitimate grievances of the Mahommedan community in regard to Hedjaz as expressed in the Resolution. The Hon'ble mover has explained at length the present situation in which the pilgrims are placed, and urged on Government the desirability of opening the ports of Calcutta and Chittagong for them. As a co-religionist I feel it is my bounden duty to support the Resolution, though the opening of these ports may not afford any facilities to the Mahommedans of Madras. The Resolution, however, is a simple one with a very modest request. I trust it will meet with the ready acceptance of this Council."

The Hon'ble Sir CHARLES ARMSTRONG:—"I think, Sir, that the Resolution proposed by my friend Sir Ibrahim Rahimtoola deserves every consideration at the hands of the Government. It would undoubtedly be a very good thing for those pilgrims who must now come to Bombay, and it would also be a very good thing for Bombay itself if the number of pilgrims passing through the city was very considerably reduced. It would also undoubtedly be a very good thing, and a very great convenience for pilgrims in other parts of India, if they were able to make use of a port or ports nearer to their homes. I hope, therefore, that when this question comes to be considered by the Government of India, the question of cost in providing the additional facilities which Sir Ibrahim has asked for will not be found to be prohibitive, and that it will be found possible to make arrangements in other parts of India for the general conveniences of the pilgrims from this country."

The Hon'ble BABU SURENDRA NATH BANERJEA:—"Sir, I desire to associate myself with the Resolution which has been moved by the Hon'ble Sir Ibrahim Rahimtoola.

"Speaking for the Bengal Mahommedans it seems to me to be very obvious that it would be far more convenient for them to have a port at Calcutta or Chittagong for embarkation for the Hadjas than to have to go all the way from Calcutta to Bombay for this sacred duty. Then, Sir, there will be the Local Government to look after them. There will be their friends and relatives to take care of them, and if they have to come back to their homes without being in a position to perform the Hadj, they will be saved a lot of expense, inconvenience and trouble. Sir, the only two difficulties that might be suggested in the way of accepting this Resolution would be, one has been suggested by the Hon'ble mover himself, namely, that of cost; and the other perhaps which will be suggested by the Hon'ble the Home Member, that is, that of sanitation. So far as the question of cost is concerned, I think the point has been conclusively answered by the Hon'ble the mover. It seems to me to be a question of about Rs. 30,000 a year. That ought to be found by any Local Government for a purpose of this kind, involving the discharge of a sacred obligation by millions of our fellow countrymen. So far as the question of sanitation is concerned, we tread perhaps on a more difficult ground. But here, too, the Government ought to be able to cope with the situation. The Local Government ought to be able to provide conditions which would safeguard the sanitary interests not only of the pilgrims, but of the wider world. Therefore, it seems to me, looking at the question from all possible points of view, that may occur to us, that the Resolution is an eminently reasonable one, and one which should meet with the acceptance of the Council. I desire most heartily to associate myself with it."

The Hon'ble RAI SRI RAM BAHADUR:—"Sir, although a non-Mussalman, I would associate myself in supporting the Resolution which has just been moved by the Hon'ble Sir Ibrahim Rahimtoola. The acceptance of this Resolution by the Government will place facilities in the hands of our Mahomtnedan fellow subjects going to Mecca. I, therefore, give my hearty support to this Resolution.

"I have heard complaints about not finding proper accommodation in the steamers which depart from Bombay for the Hadj. I know of cases in which people had to return from Bombay because they were not able to get accommodation in the steamers sailing for the Hedjas. By opening a port in Eastern Bengal and one at Calcutta, great inconvenience will be removed. For the major portion of the pilgrims of the United Provinces of Agra and Oudh, Calcutta will be a nearer place for embarkation. I think many pilgrims from those provinces will prefer to sail from Calcutta rather than from Bombay.

"With these words I support the Resolution."

The Hon'ble NAWAB SAIYID MUHAMMAD SAHIB:—"Sir, my Hon'ble friend Sir Ibrahim Rahimtoola has stated the case with great ability, and I am convinced that something should be done to help the pilgrims from Bengal, and to relieve the congestion of traffic in Bombay. My Hon'ble friend Mr. Ghaznavi has assured us that the opening of the ports of Calcutta and Chittagong will afford facilities to pilgrims from Bengal, and I therefore have much pleasure in supporting this Resolution."

The Hon'ble MR QUMARUL HUDA:—"Sir, the hardship, which the pilgrims to Mecca have to bear in going from East Bengal, Bengal, and Bihar to Bombay, is not inconsiderable. They have to travel to this long distance in overcrowded railway trains in which they hardly find space even to sit comfortably. Their unenviable position gets worse still when they have to take this journey in the summer, as the period of Hajj happens to fall more in hot weather than in cold. This hardship they have to bear only for the reason that they must embark to Arabia from Bombay. Had the people of these Provinces been in a position to use the ports within their own Province they would have been relieved of this enforced and unnecessary trouble and hardship. The Biharis will certainly prefer Calcutta to Bombay for their route to Mecca. Now let us see what fate awaits them on their arrival at Bombay. Not acquainted with the language of the south, they have to meet with further troubles and inconvenience and are often duped besides. No doubt our thanks are due to the citizens of Bombay who have built *Musafirkhanas* for these pilgrims. These *Musafirkhanas* are undoubtedly very comfortable in their own way. But the few that are there can never be expected to give comfort to so many pilgrims as more or less about 20,000 a year. Then every one of us knows that this huge number must be hoarded and shipped within a limited time of not more than three or four months. During the period of rush it is no wonder that epidemic diseases break out where they cluster in hoards. The miseries of these ill-fated pilgrims do not end here. When they had left their distant homes they knew that they would have to pay Rs 25 or Rs. 30 per head as far to Jeddah, but when they arrive in Bombay they to their consternation and surprise are told that the fare has risen and enhanced to Rs. 120 or Rs 130 a head. These people go to Haj with the whole family, and the sudden entail of abrupt enhancement of rent upsets their whole plan; either they must return home or if they proceed on their journey, they have to live in Arabia as paupers and return to Bombay without a pice on them. They had to be repatriated at Government expense.

"When such is the case why not let these people have ports of their own Province. People of Eastern Bengal would naturally like to embark from Chittagong, and the people of Bengal and Bihar from Calcutta. Such an arrangement will be more convenient, comfortable and economical to them. Bombay will be relieved of its yearly influx and rush of pilgrims. Why the burden of the whole of India, nay of Kabul and Baluchistan, should be borne by Bombay alone. To say that as Bombay has been embarking these pilgrims therefore it is most suited for the purpose. Railway communication is increasing every year. With that the number of pilgrims will be increasing. Some years back Bombay might not have felt the strain of making arrangements for the embarkation of some 12,000 men to Jeddah, but now when that number has reached to 20,000 or above that it must grumble. The Imperial Government may relieve Bombay of this burden of embarkation by opening other ports for use of these pilgrims. Chittagong and Calcutta are as suited for the purpose as Bombay. In both these Government can make arrangement for the embarkation of pilgrims without incurring very heavy expenses. In Calcutta are or two *Musafirkhanas* already existed. I am sure if it be fixed a port for the embarkation of pilgrims some more *Musafirkhanas* may be erected by some other Mussalman merchant prince there. At Chittagong Government may erect huts there, as it was done once when the port of Bombay was closed to pilgrims. With these few remarks I support the Resolution."

The Hon'ble Sir HAMCOURT BUTLER:—"Sir, before I answer the Hon'ble Sir Ibrahim Rahimtoola, I should like to make it quite clear beyond all doubt that the Government of India and the Local Governments have all the deepest interest in making the conditions of the Hedjaz pilgrimage as comfortable and as sanitary as possible.

"I have heard with some surprise the statement that the question of cost has deterred the Government from taking measures which it would otherwise do to promote that end. I have looked up the reply to which my Hon'ble friend referred, and I see that it was couched in the following words:—

'In these circumstances, the Government of India have, in concurrence with the Governments of Madras and Bengal, come to the conclusion that the opening or re-opening as the case may be, of the three ports above mentioned while entailing considerable expenditure will have an appreciable effect in reducing the pilgrim traffic in the port of Bombay which from its more convenient situation and other facilities must continue to attract pilgrims from other parts of India.

'They have, however, recently sanctioned the opening of the port of Karachi to pilgrim traffic, and trust that some relief will thereby be afforded to Bombay.'

"I maintain most strongly, Sir, that the governing words in that reply were that expenditure on opening the ports of Calcutta, Chittagong and Madras would have no appreciable effect in reducing the pilgrim traffic to the port of Bombay. I am the more surprised that the question of cost should be mentioned in this prominent way, because within the last month or two it has been announced that the Government of India are sending their Sanitary Commissioner round India to look into local conditions and report to Local Governments with a view to undertaking large and extensive reforms in all pilgrim centres, in order that the sanitary aspects of the pilgrim traffic should receive an attention in future far greater than it has been possible with the funds available to give to it in the past. The Government of India contemplate the spending of very considerable expenditure on this particular measure. I may add further that the Government a month or so ago itself gave Rs. 17,000 to repatriate Indian emigrants who were stranded in Arabia. The Government of India have always shown the deepest consideration for pilgrims of all creeds and nationalities in India, and within the funds at their disposal they have done their best. At the present moment they are in correspondence with the Government of Bombay to see how the arrangements in Bombay can be improved. I am not in a position to make any statement as to the nature of that correspondence. All I can say is that the Government of Bombay will, I hope, before long submit proposals on broad lines. The Government of Bombay has taken great interest as you yourself will admit in remedying all the defects of the pilgrim traffic. The Commissioner of Police in Bombay is, I believe, President of your Haj Committee."

The Hon'ble Sir IBRAHIM RAHIMTOOLA :—"Yes."

The Hon'ble Sir HARCOURT BUTLER :—"In the circumstances, I think that no one can say that Government is likely to be deterred by any question of cost from doing the right thing.

"My Hon'ble friend has opened his Resolution with great ability, but he has fallen into some small errors of fact. He told us that before 1866 all ports in India were open to pilgrim traffic. The only ports open before 1866 were Bombay, Calcutta and Karachi. Chittagong has never been an open port. No one has ever gone from Chittagong, except under the care of special officers, under compulsion in fact during the time of plague. The only pilgrims that ever used the port of Chittagong were sent in special trains or special compartments in charge of special officers. I may mention another error, or rather it is not an error, it is a statement that requires some elucidation or supplementation. My Hon'ble friend says that before 1897 the average number of pilgrims was about 10,000 a year. I do not dispute the average, but I may point out that in 1895 the number was 17,056. That I think is not so far from the 23,000 odd we have now.

"I may point out to the Council that from the beginning of this discussion which has been going on for some time, we have had no request from the pilgrims themselves or from anybody in the province of Eastern Bengal or Bengal until to day to open these ports in Bengal. The request has come from Bombay and Bombay alone. I think we can all understand why it should have arisen in Bombay. I think the secondary object of the Resolution of my Hon'ble friend to relieve Bombay is possibly the primary object that he had in view. I will tell the Council why the port of Chittagong was closed. This is an extract from a letter from the Government of Bengal, dated the 5th December 1903 :—

'I am directed to report, for the information of the Government of India, that the pilgrim camp at Chittagong was opened on the 21st October last, but that up to date only about 40 pilgrims in all have gone to it, and that all these, after a few days' stay, have insisted on leaving in order to avail themselves of the route via Bombay.

'2. These pilgrims have been permitted to recover their deposit-money and to depart, because they insisted on going, and there was no legal means of detaining them, and because the minimum number required before the Shipping Agents will provide a steamer is 200, and there seemed no probability of so many being got together.'

"Calcutta never has been used as a port for Hajees. Unfortunately we have not got complete statistics of the numbers who have sailed from Calcutta. I found the following figures, and they are the best that I can give :—

In 1892, there were 753 (?).
In 1893, there were 353.
In 1894, the return shows *Nil*.
In 1895 there were 46.

"These are the best figures that I can give: I do not claim accuracy for them, but I think I can certainly assure the Council that Calcutta has never been used as a port for the Hajees. I may ask Members of Council whether, if they were pilgrims going to the Hedjaz, they would prefer ten days by sea or two days by rail to Bombay. An ordinary steamer takes four to five days to get to Colombo; a pilgrim ship would not get to Colombo under six or seven days. When we hear of the discomforts of the pilgrims crossing by land, we must also remember the very great discomfort of this additional voyage by sea. I do not know whether the Hon'ble Member would be prepared to use compulsion to make the pilgrims go to Calcutta or Chittagong, but without compulsion I do not think that the opening of these ports would have very much, if any, effect upon the congestion in Bombay. I may say that only yesterday I had a telegram from the Government of Bengal saying :—

'No statistics available to show extent of pilgrim traffic before Calcutta port was closed in 1897, but number of arrivals at Calcutta was 1,112 in 1892, 1,141 in 1893, 796 in 1894, 2,746 in 1895 and 920 in 1896. From Chittagong following number of pilgrims sailed, 707 in 1897-98, 1,445 in 1898-1899, 1,878 in 1899-1900, 2,268 in 1900-01, 3,598 in 1901-02, and 1,532 in 1902-03. The Government's objection based mainly on belief that pilgrims will not use Calcutta or Chittagong and that expenditure, therefore, unjustifiable.'

"That is the opinion of the Local Government, and it is entitled, I submit, to great consideration. I would also like to point out that we have not yet seen the results of the experiments in Karachi.

"The point has been made that the rise in steamer fares is due to the rush of pilgrims. I believe that is not altogether the only reason. First of all, I believe I am correct in saying that, since 1896, provision has been made under the Pilgrim Ships Act for a minimum speed rate of at least 6 knots an hour for pilgrim ships. Secondly, I am also informed that the rates of passage depend very largely on freights of other kinds and ships available. I notice that the Hon'ble Mr. Chanbal, the Member in charge of the Resolution in Bombay, was doubtful as to whether the opening of the port at Karachi would have any effect upon the rates, and we have not yet got any information upon the subject.

"I have said all this, and I have pointed out all the difficulties of the case, but I wish you to understand that this matter has been very prominently before the Government of India. I do not myself believe that the opening of Chittagong would have any effect whatever on the pilgrim traffic. The question is, whether the opening of the port of Calcutta would have any effect. In view of the opinions expressed in this Council this morning, I will go so far as to say that the Bombay and Bengal Governments will be informed of the course of this debate, and they will also be told that, if they wish to re-consider their opinion, they will be at liberty to do so. We will await the mature proposals of the Government of Bombay, and we will represent the case again to the Government of Bengal, and ask them whether in the light of what has been said at this debate, they are prepared to modify their opinion. Further than that I do not think I can go at present. But I hope I have said enough to convince the members of this Council, and the Mahommedans in India generally, that this is a matter which is occupying the most serious and anxious consideration, not only of the Government of India, but of the Local Government of Bombay."

The Hon'ble Sir IBRAHIM RAHIMTOOLA :—"Sir, before I attempt a reply, I should like to ask the Hon'ble Member if he will accept the Resolution in view of the concluding remarks he made, if I ask your permission and the permission of the Council to modify it, so that instead of putting it in the form that these two ports be opened, I asked that the question of throwing open these ports for the embarkation of pilgrims be re considered. That will not commit Government to anything, but at all events will ensure further consideration in the light of the discussion which has taken place, and will also conform to the general feeling expressed in this Council that the matter is one that requires re-consideration."

The Hon'ble Sir HARCOURT BUTLER :—"Yes, I should be quite prepared to accept the Resolution altered in those terms."

The Hon'ble Sir IBRAHIM RAHIMTOOLA :—"I am very glad that the Hon'ble Member has accepted the Resolution in the modified form. I will therefore say not more than a few words, and those few words will really be that I have studied the question of the pilgrims for a number of years, and having taken an active interest in all affairs relating to pilgrim traffic, I am prepared unhesitatingly to acknowledge that the Government of Bombay especially, and the Government of India, have been most sympathetic in their endeavours to do their best for the pilgrims. At the same time questions do arise which require Resolutions to bring them prominently to notice, and though I am in a position to reply at considerable length on the question at issue, I will abstain from doing so beyond reiterating what I pointed out in my original speech, that it was not a matter of much consequence before 1897, when the total number of pilgrims was sufficiently small from the port of Bombay, and difficulties did not arise with regard to their house accommodation or in regard to the rates of passage money. Those circumstances have now changed, and when pilgrims formerly were certain while in Bombay of getting steamer accommodation at reasonable rates, on outgoing steamers, to Jeddah, they preferred to go there. In consequence of the growth of numbers, it has become necessary that other ports should be opened in order to prevent that hardship, which is the worst of all hardships, namely, that a pilgrim with his family goes all the way to Bombay and then has to return back to his native place without being able to proceed on his pilgrimage. Sir, the circumstances, as I have pointed out, have changed, and they call for this remedy now that the pilgrims have been educated to appreciate that it is better for them to embark from a port nearer home rather than run the risk of going all the way to Bombay.

"I trust that the Hon'ble Member for Sanitation—I won't call him the Member for Education on this occasion—will do his best to promote the interests of the pilgrims which I know he has at heart."

The Resolution standing in the name of the Hon'ble Sir Ibrahim Rahimtoola was by permission withdrawn, and the following Resolution was put to the Council in its place :—

That this Council recommends to the Governor General in Council that the question of re opening the ports of Calcutta and Chittagong for the embarkation of pilgrims to the Hedjaz be reconsidered.'

The Resolution was adopted.

The PRESIDENT :—"The Budget debate will be held, as I have already stated, on Monday next. The time-limit of speeches on that occasion will be, as in previous years, 20 minutes."

The Council adjourned to Monday, the 24th March 1913.

DELHI,
The 31st March 1913.

W. H. VINCENT,
Secy. to the Govt. of India, Legislative Dept.

(Republished by order of His Excellency the Governor in Council.)

L. DAVIDSON,
Ag. Secretary to Government, Legislative Dept.

The Council met at the Council Chamber, Imperial Secretariat, Delhi, on Monday the 24th March 1913.

PRESENT:

The Hon'ble SIR HARCOURT BUTLER, K.C.I.E., C.S.I.,
presiding,
and 30 Members, of whom 44 were
Additional Members.

QUESTIONS AND ANSWERS

The Hon'ble RAI SITA NATH ROY BAHADUR asked:—

"(a) Will the Government be pleased to lay on the table a statement showing the aggregate value of manufactured cotton goods imported into India from Japan and China, year by year, since 1900?

"(b) Are Government aware of any marked difference in quantity between cotton goods imported into this country from the above countries and cotton goods of similar description manufactured by the mills in India?

"(c) Is it a fact that Indian cotton goods have been prejudicially affected by the importation of the Chinese and Japanese cotton goods in the Indian markets?"

The Hon'ble Mr. CLARK replied:—

"I lay on the table the statement asked for in the first part of the Hon'ble Member's question.

"With regard to the second and third parts of the question, inquiries are being made, the result of which will be communicated to the Hon'ble Member in due course."

Statement showing the value of cotton goods imported from China and Japan into British India during the 12 official years 1900–01 to 1911–12.

		China excluding Hongkong.	Hongkong.	Japan
		Rs.	Rs.	Rs.
1900–01	Cotton goods excluding twist and yarn	18,777	7,423	17,098
	Twist and yarn	1,14,272	29,210	83,340
	Total	1,33,049	36,633	98,473
1901–02	Cotton goods excluding twist and yarn	616	11,441	73,189
	Twist and yarn	114	93	..
	Total	730	11,527	73,189
1902–03	Cotton goods excluding twist and yarn	10	23,502	1,18,81-
	Twist and yarn	2,336	1,650	..
	Total	2,346	25,153	1,18,813
1903–04	Cotton goods excluding twist and yarn	91,080	1,24,238	6,73,313
	Twist and yarn	1,07 203	13,034	1,158
	Total	1,70,283	1,37,272	6,74 471
1904–05	Cotton goods excluding twist and yarn	4,620	3,18,093	13,40,422
	Twist and yarn	1,50,880	20,733	..
	Total	1,54,500	3,48,826	13,40,472
1905–06	Cotton goods excluding twist and yarn	50	1,09,202	17,87,257
	Twist and yarn	63,159	2,920	..
	Total	63,209	1,44,093	17,87,257
1906–07	Cotton goods excluding twist and yarn	71,057	99,950	22,48,855
	Twist and yarn	120	16	..
	Total	71,777	73,536	23,48,855
1907–08	Cotton goods excluding twist and yarn	44,735	67,955	42 39,180
	Twist and yarn	24,260	03,705	75
	Total	68,995	71,910	42 39,255
1908–09	Cotton goods excluding twist and yarn	38,426	87,040	36,06,950
	Twist and yarn	4,464	44,010	210
	Total	42,880	1,01,055	36,07 160
1909–10	Cotton goods excluding twist and yarn	63,580	1 04,310	46,40 310
	Twist and yarn	21,430	20	60
	Total	85,320	1,00,420	46,40,370
1910–11	Cotton goods excluding twist and yarn	19,063	1,27,020	70,74 908
	Twist and yarn	3,210	19,545	4,00,130
	Total	22,272	1,44,125	74,75,038
1911–12	Cotton goods excluding twist and yarn	4,405	5,19,155	67,88,415
	Twist and yarn	832	1 935	7,58,960
	Total	5,140	2,20,500	75,53,365

N.B.—Figures for the years 1900–01 to 1906–07 are based on the old system of registration according to countries of shipment, while those for the last five years relate to countries of consignment.

The Hon'ble Mr. FUZULBHOY CURIMBHOY EBRAHIM asked:—

"(a) Will Government be pleased to state what sum out of the capital expenditure on railways during the current financial year has been spent on additional wagons, and what sum it is proposed to spend for the same purpose out of the next year's Budget allotment under the same head?

"(b) Will Government be pleased to lay on the table a list showing the number of wagons added during each of the past five years on each of the important railways?"

The Hon'ble Mr. CLARK replied:—

"(a) The total estimated capital expenditure on additional wagons for the railways financed by the State during the financial year 1912–13 is approximately Rs. 180 lakhs, and the sum which it is proposed to spend for the same purpose out of the next year's grant is approximately Rs. 520½ lakhs.

"(b) A list showing the number of wagons added during each of the past five years on each of the important railways is placed on the table."

List showing the number of wagons added during each of the past five years on each of the important railways.

	1908.	1909.	1910.	1911.	1912.
5' 6" GAUGE.					
Bengal-Nagpur Railway	1,602	426	685	289	207
Bombay, Baroda and Central India Railway ..	470	.. 750	707	393	681
Eastern Bengal Railway	211	33	18	10	61
East Indian Railway	821	1,047	883	.. 33	226
Great Indian Peninsula Railway ..	781	893	484	661	633
Madras and Southern Mahratta Railway ..	50	188	39		
North-Western Railway	2,642	3,738	46	564	1,389
Oudh and Rohilkhand Railway ..	376	643	200	..	282
South Indian Railway	31	50	82	13	..
Total ..	7,296	7,440	3,133	1,891	3,905
3' 3½" GAUGE.					
Assam-Bengal Railway	102	392	84	36	71
Burma Railways	889	648	164	331	181
Eastern Bengal Railway	— 18	107	27	180	500
Madras and Southern Mahratta Railway ..	559	— 8	93	305	..
Bombay, Baroda and Central India Railway ..	142	— 161	66	68	128
South Indian Railway	— 151	— 37	2	115	— 7
Bengal and North-Western Railway	289	288	190	26	877
Total	1,253	1,409	626	1,038	1,249
Grand Total ..	8,549	8,849	3,759	2,929	4,555

The Hon'ble Maharaja RAGHABH SINHA OF NAGHPUR asked:—

"Will the Government be pleased to state if the number of seizures and deaths from plague are gradually decreasing in the Provinces of Bihar, United Provinces and Punjab? If not, will the Government be pleased to inform the Council what special measures are being taken to eradicate the evil altogether?"

The Hon'ble Mr. PORTER replied:—

"Separate figures are not available for the Provinces of Bihar and Orissa, but a statement is placed on the table showing the incidence and mortality from plague in the three provinces of the Punjab, the United Provinces and Bengal from 1903 to 1912 inclusive, in two quinquennial periods. From the figures it is apparent that in all three provinces there has been a decline in the general plague mortality.

"As to the special measures at present being taken to eradicate this disease, attention is directed to the annual reports of the Sanitary Commissioners and Chief Plague Officers of the provinces concerned; to the Memorandum dated 15th September 1911, laid upon the table of the Council by the Sanitary Commissioner with the Government of India; the Resolutions passed at the Sanitary Conference held in Madras in November last, copies of which have already been sent to Local Governments; and the recent speech in Council of the Director-General, Indian Medical Service."

Statement of plague deaths for the five years ending 1907 and 1912 including figures of Native States under the Provinces mentioned.

	(1) United Provinces.	(2) Punjab.	(3) Bengal.
(a) Total plague deaths for the five years ending 1907 :—			
1903	80,727	183,048+ *18,589*	65,680
1904	179,082	395,347+ *36,210*	76,485
1905	283,802+ *39*	334,897+ *54,862*	120,064
1906	99,660	81,756+ *19,746*	59,619
1907	324,362+*385*	603,685+ *42,331*	93,602
	1,042,365+*817*	1,623,719+*1,25,680*	.. ..
Total ..	1,012,352	1,809,405	410,441
Average per year ..	206,470	361,881	82,088
(b) Total plague deaths for the five years ending 1912 :—			
1908	22,878+ *3*	31,709+ *2,681*	12,940
1909	98,791+ *2*	85,665+ *8,609*	11,778
1910	158,074+*811*	136,884+*24,316*	46,584
1911	222,301	176,030+*82,546*	75,213
1912	116,516	30,156+ *3,456*	1,986
	618,562+*817*	467,832+*81,159*	.. ..
Total ..	606,509	466,991	1,61,507
Average per year ..	123,301	97,747	30,301

* In the plague statement of the Provincial Sanitary Report the figure is 884,740.

NOTE.—The figures in italics indicate plague deaths in Native States under the Provinces mentioned.

BUDGET, 1913-14.

The Hon'ble Sir HAMILTON BUTLER :—"I may remind the Hon'ble Members that the time-limit for speeches to-day is twenty minutes, and this limit will be strictly adhered to."

The Hon'ble BABU SURENDRA NATH BANERJEE :—"Sir, my first words on this occasion will be words of congratulation to the Hon'ble Finance Minister on the Budget which he has presented to us. Our feelings to-day, Sir, are of the mixed order. While we rejoice over the financial prosperity of the country and grasp with gratitude the hand that has contributed to it, so far as it lies in the power of a Finance Minister to do so, we are filled with a sense of profound sorrow at his impending retirement and his approaching departure from this country. This feeling, I find is shared by Sir Guy Fleetwood Wilson himself. He says, in the speech with which he prefaced the Financial Statement on the 1st March last, that he views the severance of his connection with the Government of India with great sorrow. If he is sorry to leave us, we are also deeply sorry to part with him. If at the present moment India is prosperous and happy, the result is, in some degree at least, due to the successful financial administration over which Sir Guy Fleetwood Wilson presided with such conspicuous ability and such pre-eminent sympathy for the people. For, Sir, the Department of Finance covers every other Department and colours it with its hue. When Sir Guy Fleetwood Wilson came out to this country towards the end of 1908, the financial horizon was overcast with dark and ominous clouds. The Budget which was presented in the course of the next three months disclosed a heavy deficit to the extent of nearly four millions. To-day, Sir, we have a surplus of seven millions. Taxes, some new taxes have been imposed to which nobody in India has seriously objected, but the public expenditure has been well-maintained, the progressive requirements of the country met, and the prospects of steady and continuous advancement assured. In bidding Sir Guy Fleetwood Wilson good-bye, we wish him long life and prosperity in the old country, and may we couple this wish with the hope that he may continue to feel an abiding interest in that country whose prosperity and welfare he so assiduously tried to advance during the period of his official connection with India? He will be remembered, Sir, as one of the ablest and one of the most sympathetic of Finance Ministers whose outlook extended beyond the range of his own particular department and whose sympathies were co-extensive with the entire circle of our varied and multitudinous interests.

"Sir, there is one passage in the speech of Sir Guy Fleetwood Wilson to which I have already referred which will linger in our memories and will appeal to our imagination long after he has left these shores. While dwelling to the necessity of establishing a gold mint in this country, he made the observation that we are all united by the common bond, that we are fellow-citizens of one great Empire, Sir, no nobler sentiment could have been uttered, for it points to the essential equality of status as the part of His Majesty's Indian subjects; and here may I be permitted to make an appeal, if I am allowed to do so without impertinence or irreverence, to the Hon'ble Members who occupy those benches and who constitute the Government of India, that they may so discharge their exalted duties that this sentiment may be deepened and accentuated and that we may all feel and realize, no matter whether we are Englishmen or Scotchmen or Irishmen or Indians, that we are Britishers, fellow-citizens, participating in the privileges and also in the obligations of a common Empire, the greatest, perhaps the world has ever seen?

"Sir, sanitation and education are the watchwords of modern India. They have been accepted by the Government with alacrity and enthusiasm. Sir Guy Fleetwood Wilson, in the speech to which I have referred, says that they are twins of phenomenal development. So they are. Sanitation is the first of our needs. We must live before we can be educated, and we must be educated in order that we may realise the commonest hygienic needs so indispensable for the purposes of effective sanitation. The inter-dependence between sanitation and education is recognised by the Government of India, which has made them the concern of a common Department. You, Sir, as the head of the Education and Sanitary Department are responsible for the health and the education of the millions of our fellow-countrymen. I can conceive of no higher duty or more exalted trust, and I may be permitted to add that educated India is watching the operations of your Department with interest and expectancy. Sir, we are grateful to the Government of India for the grants which it has made to the Local Governments in respect of sanitation, education and other matters, and here, perhaps, I may be permitted to utter a word of complaint. There has been, perhaps, too great a disposition on the part of the Government to earmark these grants, and the Local Governments, confronted with resolutions and interpellations, often find themselves in the difficult position that they have to refuse reasonable proposals put forward by non-official members on the ground that they are handicapped by the instructions of the Government of India. Sir, I do not for one moment dispute that the Government of India, having made these grants, ought to have a voice in their disposal; but I beg to submit, Sir, that in accordance with the spirit of the great Despatch of the 25th August, 1911, which holds out to us in prospect the boon of provincial autonomy, a greater and larger measure of discretion should be allowed to the Local Governments in the disposal of these funds. Sir, if sanitation and education are the watchwords of the Government of India, they are matters of absorbing interest to the Local Governments. Thus, for instance, the Government of Bengal has taken up the question of rural sanitation and of village water-supply with a degree of earnestness and a measure of practical sagacity which have won for that Government the unstinted gratitude of the people. In matters of sanitation and education the policy of the Government of India is the policy of the Local Governments. I, therefore, may be permitted in the Council Chamber to plead for the independence of the Local Governments in these matters; they have to carry out the instructions of the Government of India, varied by local conditions of which they are best cognisant.

"Sir, the release of the local cesses for local purposes has been an unspeakable boon to the people and is greatly appreciated by them. In Bengal, we get 25 lakhs a year, which, I understand, is to be devoted to village sanitation and rural water-supply. Thousands and hundreds of thousands of lives are lost every year through such preventible diseases as cholera and malarial fever. Good water-supply, a good system of drainage will go far to protect the people against the ravages of these diseases. The Government of Bengal has already started anti-malarial operations, and with admirable results. I can bear my personal testimony to the success of these operations in one particular area with which I happen to be connected. Sir, if the 25 lakhs of rupees to which I have referred be devoted to the digging and repairing of tanks, taking the average cost of each tank to be Rs 1,000, in the course of four years, we shall have about 10,000 tanks in Bengal, an unspeakable boon to the people in the rural areas.

"Sir, the Hon'ble the Finance Minister has been pleased to speak in terms of sympathy with local self-government. He says the encouragement and development of local self-government is an object about which all are agreed, and he adds that these grants have been made with a view to strengthening their resources. Sir, I am perfectly certain that these grants will enormously add to the usefulness of local bodies. But, Sir, something more is needed for the encouragement and development of local self-government. With added funds larger powers should be vested in them. I think their constitution ought to be recast; they ought to be reorganised upon a more popular and liberal basis. With greater independence, with larger powers of initiative, with less of official control, these local bodies would be quickened into a new sense of awakened responsibility. I rejoice, Sir, that the recommendations of the Decentralisation Commission have been forwarded to the Secretary of State and are under his consideration. I hope early orders will be passed, and I hope and trust these orders will include the establishment of a Local Government Board in each province. Sir, this is a proposal which was made in the time of Lord Ripon. For some reason or another it was abandoned. I find, on reading through the Report of the Decentralisation Commission, that Mr. Romesh Chandra Dutt made this recommendation. I really hope, Sir, that this part of the recommendations of Mr. Dutt will be accepted. At the present moment the local bodies are supervised by hard-worked Magistrate-Collectors and Commissioners of Divisions. I think, Sir, the organisation of a central body supervising the self-governing institutions will have the effect of co-ordinating their labours, and helping forward their development along normal and natural lines.

"Sir, we rejoice to find that the military expenditure is practically at a standstill, a sum of about £352,000 having been added in 1913–14 to the expenditure side over the expenditure of the current year. Sir, it is further expected that as the result of the labours of the Nicholson Committee there will be reductions. But, Sir, there is an ominous note of warning in the speech of the Hon'ble the Finance Minister. He says that a Committee has been appointed to inquire into what he calls the Marine expenditure.

"I should like to know what this marine expenditure is. I do hope that this Committee will not make recommendations to add to the contribution which we pay at the present moment to the British Navy. Hon'ble Members will remember the discussion which took place in the English newspapers regarding the alleged inadequate grant which India makes in support of the British Navy. We were reminded of the *Dreadnoughts*—of the gift of *Dreadnoughts* made by the Colonies, and we were told that our contribution was below that of the Colonies. That is so, so far as this particular matter is concerned; but in regard to other matters, our contribution has been far in excess of that of the Colonies—and I may add far in excess, in some cases at any rate, of the requirements of justice and fair-play. The India Office—that magnificent pile of buildings which attracts the gaze of the beholder at Whitehall—was built by our money, and its establishment is maintained by us. The Colonial Office is maintained by the Home Government. The Indian Army is maintained on a footing so that it serves the purpose of an Imperial Reserve for which the Imperial Government does not pay a farthing. In 1882, we sent 10,000 troops to (South) Africa which saved the situation. In the Chinese War we sent an Indian Contingent which did admirable service. Formerly the charges of foreign expeditions in which Indian troops took part—both ordinary and extraordinary—were paid out of the Indian revenues. Happily things have altered for the better now. Lord Morley—then Mr. Morley—speaking in connection with the Sudan War—described this policy as 'a policy of melancholy meanness.' But, as I have said, there has been an improvement in this direction. The conscience of the British authorities has been stirred to a sense of justice to the financial claims of India. In any case, Sir, I hope and trust, in view of our contributions in the past, and in view of the poverty of our people, that no addition will be made in the shape of Marine charges.

"The Hon'ble the Finance Minister refers to the improvements in communications as a source of revenue in which the Government of India is interested. Probably these remarks apply to roads; but they might as well hold good in respect of waterways. Sir, these waterways form an important branch of our communications. In country like ours with its long distances with its fine and magnificent rivers, the maintenance of waterways in a high state of efficiency I conceive to be one of the greatest duties of Government. Sir, these waterways provide facilities for cheap transport; they help the development of inland trade; they constitute a perennial source of water-supply and thus further the interests of sanitation. Sir, the German Government pays the greatest possible attention to their canals and waterways, notwithstanding their magnificent railways, for the purposes of industrial development. I hold in my hand a book on Modern Germany written by Mr. Barker, who is an authority on German affairs, and with your permission, Sir, I will read a short extract from it:

'Recognising the importance of a cheap transport system, which would bring with it wholesome competition, Germany has steadily extended, enlarged, and improved her natural and artificial waterways, and keeps on extending and improving them year by year, and if a man would devote some years solely to the study of the German waterways, and make the necessary but very extensive and exceedingly laborious calculations, he would probably be able to prove that Germany's industrial success is due chiefly to cheap transport, and especially to the wise development of her waterways.'

"Well, Sir, we find in paragraph 187 of the Secretary's memorandum that only a sum of 2½ lakhs of rupees has been provided for the Madaripur Bheel in the Faridpur district. The provision is wholly inadequate. Many of our rivers—I am speaking of Bengal, and I am sure what is true of Bengal is true of the rest of India—many of our rivers are fast silting up and need dredging. My Hon'ble friend on the left, Maharaja Ranajit Singh, has been urging in the Local Council the need for dredging the Bhagirathi river. The silting up of these rivers is a serious matter, even from the sanitary point of view, as it obstructs drainage and constitutes a menace to the health of the surrounding country. Therefore, Sir, from whatever point of view you choose to view the matter—from the point of view of sanitation, of public convenience or of the development of inland trade—it seems to me that the maintenance of our waterways in a state of the greatest possible efficiency is an Imperial duty of the utmost importance and magnitude; and I desire to press this consideration upon the attention of the Government of India with all the emphasis that I can command.

"Sir, we find that the Government of India have made grants of a non-recurring character out of the surplus of this year. I hope, Sir—and I have reason to believe—that that surplus will be recurring. An analysis of the situation fortifies me in this hope. Sir, the railway revenue has of recent years developed a distinct tendency to grow and expand. From 1909 up till now there has been an increase in railway revenue year after year at the annual rate of from 2½ to 3½ million pounds. I cannot help

thinking that the Finance Minister has been exceedingly cautious—I was going to say over-cautious—in his estimate. He has actually put the revenue of 1913-14 at 90 lakhs of rupees less than the revenue of this year. My countrymen do not share this pessimistic view. Railway revenue depends upon trade conditions as well as upon social causes working in the bosom of the community. So far as trade conditions are concerned, I am not competent to speak, and I think very few are in a position to make a confident forecast. But so far as these social causes are concerned, I may say this, that the greater the facilities offered by the Railway Administrations, the greater the attention paid to the comfort and convenience of railway passengers—especially of the third-class passengers, the greater will be the volume of passenger traffic; and if passenger traffic goes on increasing, the goods traffic is bound to increase too. The one will re-act on the other, and by their mutual interaction strengthen each other. I am therefore optimistic in the view that the railway receipts are likely to grow and expand year by year. And, Sir, if the surplus is a recurring surplus, as I believe it will be, it seems to me that the best, the wisest, the most economical thing for Government to do is, instead of making these non-recurring grants, to revise the provincial settlements and to give the Provincial Governments a larger share in the expanding revenues. This is the view which was urged by Sir William Duke on behalf of the Bengal Government from his place in the local Legislative Council."

The PRESIDENT :—"I am afraid I must ask the Hon'ble Member to stop as his time is up."

The Hon'ble BABU SURENDRA NATH BANERJEE :—"Just one word more, Sir."

The PRESIDENT :—"I can make no exception."

The Hon'ble BABU SURENDRA NATH BANERJEE :—"Sir, I just want to say one word."

The PRESIDENT :—"Order, order."

The Hon'ble MALIK UMAR HAYAT KHAN :—"Sir, while congratulating the Hon'ble the Finance Minister for the present surplus Budget, as well as the previous ones, one begins to think that his personality and prosperity of India are coupled together, and are one and the same thing. We pray that he may be spared for India for a much longer period than the orthodox limit of five years.

"I think some of the members would have read my Budget speech two years ago. I read it the other day after two years, and find that my views instead of having altered have been more confirmed in the same direction. I will ask Honourable Members who have not read it, to read it as a supplement to the few words that I am going to say to-day. I have been lucky to find that most of the things that I had suggested, at the end, the Government found it necessary in connexion with circumstances to adopt. I will give some interesting illustrations. In my Budget speech some four years ago, I ventured to suggest, for the consideration of the Government, the advisability of a commission to investigate and alter the system of education. The following year a separate Department was created which was far more useful for the purpose than even what I had suggested. The same year I had brought to the notice of the Government the expediency of the amendment of the Indian Penal Code, as well as the adoption of some severe measures for punishment of offenders against the State, and the grant of greater powers to the Criminal Investigation Department of the Police. I will quote the paragraphs respectively :—

'(1) The first of them is that there is a change most necessarily required of making such alterations in those sections of the Indian Penal Code which deal with the offences against the State as to make them more stringent, and I think the Government will have to do this sooner or later as a preventative measure, and I hope it will not wait as to be able to make a strong case by giving illustrations.

'(2) I strongly urge that we should award severe punishments to the State offenders and for the suppression of open and subterranean currents of sedition.

'(3) I should ask the Government to be still more liberal in increasing the power and scope of the Criminal Intelligence Department.'

"These are exactly the measures which Government has after four years' experience of what is going on in India to adopt by passing the Indian Penal Code and Criminal Procedure Code Amendment Bill. The succeeding year, in my Budget speech, I had alluded to the necessity of the change of capital to a more central place, and now I am glad to find ourselves in Delhi. I had said as follows :—

'(1) The rest of India, my Lord, cannot understand why a place like Calcutta, situated in a corner remote from England and with a bad climate, should have been selected as the capital of India. I think it will be only fair, when funds allow, to select as the metropolis of this country a city which will be up to some extent at an equal distance from the remotest parts of this vast continent.'

"Sir, I have only invited the attention of those who are responsible for the administration, to my previous speeches because when I have once submitted a measure for the consideration of the Government, I don't think it right to repeat my suggestions. On this occasion I have got two suggestions to put before the Hon'ble the Home Member, and they are :—

'(1) Some measures are necessary to check the seditious preachers under a disguised garb.

'(2) To punish the papers whose line of policy is to criticise the Government in and out of season and by a long process to poison the minds of its readers, far more effectively than by one or two extremely seditious articles which has the inevitable effect on some minds to resort to violence and treason. I hope the adoption of these measures will not take another four years.'

"I will now touch certain subjects generally. I advocated two years ago the necessity of moving towards forming aerial and naval fleets for the efficiency of the Army. I have only said it again because circumstances have since been entirely altered. At that time the air craft was in its infancy, while now it is an accomplished fact, and I hope that, if funds be available, they should be placed in the hands of our mighty War Lord who by his sympathy and ability has not only won the hearts of the Indian soldiers, but has done a great deal towards the efficiency of the Indian Army.

"Turning towards education I would suggest, for the consideration of the Hon'ble Member in charge, that it is most essential to establish schools in central places from where the army is recruited as I hitherto find that there are a greater number of schools where the commercial classes reside. Perhaps this is because they have got much greater voice than that of the soldier class.

"It is well known that the Muhammadan College at Lahore is doing useful work as well as the schools attached to it. I have heard from authorities that it is not working properly. May I say this to the Hon'ble Member in charge that just as a man cannot live without food, so a College cannot

get on without funds. I cannot understand why any other Muhammadan College, wherever it may be situated, should get better treatment than the one which is in the Punjab. I do hope that the Hon'ble Member in charge would give it a helping hand.

"I ask him also to allot money for its sanitation as the Sanitation Department is also under his away.

"I now put before him a very urgent need and that is religious education. If a man is not taught to respect his God, there is no wonder if he does not respect his parents and Government. We have tried this experiment in the Chiefs College with excellent results. I will not say anything about the technical and other education as it is already receiving the best possible attention of the Government.

"I have been a great advocate of the zamindars as I represented them last three years. As this duty is now devolved on the other Hon'ble Member, I will be saying a word on my personal behalf for their welfare. As to the un-even taxes of a landholder and money-lender, his being troubled by petty officials, the short period of their settlement, etc., has been urged by me in my recent speeches, but there is one thing that I want to say now and that is, that if a man possesses a certain amount of land which does not bring him an income of 4th of the wages of an ordinary labourer, such a small holding should be exempted from any Government dues in the shape of revenue otherwise he will be treated worse than even a coolie.

"To decide the amount of land is not very difficult, as the product and value, etc., are always worked out at the time of settlement. I think the amount of water in most of the Punjab colonies is far less than needed and people are very much alarmed at its further reduction which will cause not only the loss of income to them but also a great discontent. I hope something would be done to remedy it. I would also strongly urge the necessity of improving the accommodation of 3rd-class passengers, and hope that some improvements will be made to provide legitimate comforts for them.

"The service between Delhi and Peshawar is unsatisfactory, and will more so from Lahore to Peshawar. As the capital has now been shifted to Delhi, I think the defects in railways in the near neighbourhood should disappear. As the distance by sea from Aden to Karachi is shorter than that from Aden to Bombay, the distance from Karachi to Delhi is shorter than Bombay to Delhi, it will be most essential that all the mails should come by Karachi. This would have to be done one day, and I think the sooner it is done the better. I was glad to read that the questions of arrivals and departures of Delhi trains are being considered. Therefore, I will say nothing on that subject. I think it should be impressed on Railway officials, that when an Indian has got 1st-class ticket he must be provided with a seat in the same compartment. It has been experienced over and over again that though there may be only one or two Europeans in one compartment, they try to do their best to keep out the Indian who has every right to a seat.

"Though I am not an expert but when I had prepared to appear before the Decentralization Commission, I had suggested that there should be no Imperial heads of revenue, nor should there be any grant to the Province, each Province should be self-dependent, and there should be only a contract of a fixed lump sum to be annually handed over to the Supreme Government for Imperial requirements. If this could be done, which I know is already done to a great extent, it will further simplify matters.

"I had some time back put before the Council as to the shortness of time given to members to form their opinions about certain legislative measures, and on this has been again the case, I bring it to notice again. Now there is one very serious thing which is felt by many a non-official heart, and that is that our existence and non-existence here has very little difference. I think the cause of it is the pre-arrangement of what is to be done, and when a man is urging and making a speech he thinks that he is talking to a wall and his best arguments would not have the least effect. The other cause has been, I think, the wholesale refusal of good and bad amendments. I think this can be easily remedied. If the non-official members were near the mark and by accepting their suggestions there was no injury done to the administrative machinery, then I think such suggestions should be accepted. This will go a long way to show that we are not only part and parcel of the Government, but we are of some use to them. That will give us an impetus to work with a greater zeal for the good of the country and its best Government which it has ever possessed under the Sun and for whose welfare we all work and pray.

"Last but not least my suggestion is the weeding out the weeds, that is a small percentage of Civilians who have entered the service but are entirely incapable of administration. From their isolated deeds the masses are mistaken to form their opinion regarding the whole Government policy. As a matter the smallest square pegs in round holes of the machinery go a long way in hampering the working of the whole machine. The public money would be far better spent if such men were given pay till the pension period without allowing them to make a muddle of things. I have taken the courage to put the ideas before the Government from a very high sense of duty which equally affects the public and Government."

The Hon'ble Sir CHARLES ARMSTRONG :—"I desire, Mr. President, to offer a few remarks on two subjects only—Railways and a Gold Coinage—and as regards the former I regret the unsatisfactory character of paragraph 33 of the Financial Statement. It is, I think, very easy to be over cautious. Caution is always advisable, but if this matter was really regarded 'as a strictly business proposition' and these are the words used in paragraph 33—a scheme would surely, ere this, have been put forward to raise money for investment in an enterprise which in the current year has returned as much as 4·89 per cent. and in the three years previous an average of nearly 4½ per cent; and as this is an all-over rate, the return on the main lines carrying the trade of the country must have been much greater. As a business proposition even if the money be raised at 4 per cent. the return on the whole system is satisfactory and in the hope—I might also say with fingers tainty—of something better during the next few years, a business man would strain every nerve to increase his wealth by investing more money in the undertaking. For the coming year thanks to ample balances, a larger grant has been given; but if 12 months hence the balances are reduced as forecasted in the Financial Statement, railways in 1914–15 will have to look elsewhere for funds, and although supplies will no doubt be obtained from other sources—but whether sufficient or not time alone will show—the feeling is that so far as Railway Finance is concerned, there is an settled plan and that this is a most unfortunate position to be in. If the seasons are good and money flows in, Railways get an increased

grant, although it may come too late to be spent, but if the reverse is the case, it is urged that there are no funds readily available, and the serious check to development that then takes place affects the trade and prosperity of the years to come. I do not think Chambers of Commerce are unfair critics in this matter. One can sympathise with merchants and shippers, many of whom have known for years that the railways were being neglected, when in a year of exceptional plenty trade is more or less completely disorganised by the inability of the railways to carry the traffic expeditiously. I admit that during the past year the railways have carried immense supplies, but when the pressure came it was obvious at once that the carrying capacity of the lines was deficient, and if it was excess caution that has kept development back the last few years, I can only say that the country has suffered for it; merchants have suffered for it and much trade has been lost. The President of the Railway Board told me the other day that the policy of the Board was to go on steadily improving existing lines, great care being taken at the same time that good value was obtained for the money spent. This is, of course, as it should be, but if money is stinted what can the Railway Board do?, and it is to this point of providing ample funds over a series of years that the commercial community are now so very anxious that special attention should be given. I felt sure there would be something in the Financial Statement bearing on this point, but what we are told is, that even temporarily, that is to say on the chance of an occasional bad season, our Railways must never be allowed to become again a burden on the general taxpayer, and to ensure this our expenditure on this rapidly growing business is apparently being kept within bounds merely, it seems, to prevent a small loss every now and again. The profit that might be made in prosperous years by increasing expenditure is, however, overlooked, and I feel sure, I can say with safety, that the average would always be a very satisfactory return.

"From the Financial Statement itself it is gathered, I much regret to say, that the total Budget Grant for Revenue expenditure on Railways in 1913-14 has been cut down considerably below the amount which the various Railways have put forward as necessary for their requirements, and this led me on the 14th to send up three questions on the subject, which most unfortunately arrived too late. Any step of this kind means a reduction in the Revenue provision for works, and has the effect also of reducing the capital expenditure as well. Surely this is not the time to curtail expenditure on works of improvement chargeable wholly or partly to revenue intended to increase the carrying capacity of the Railways and moreover as stores for works in 1913-14 have already been arranged for; if work is to be curtailed interest will have to be paid on the value of the material which cannot be drawn and utilized, and this creates an unfortunate position. I feel bound to say that, as regards methods and expenditure on Railways, the position is unsatisfactory, and thus being so Chambers of Commerce must continue to urge, by all means in their power, that the Railway systems of the country shall be brought up as quickly as possible to a thorough state of efficiency.

"As regards a gold coinage, I desire in the first place to offer my warmest congratulations to the Government of India on their Despatch of 19th May last on the subject of the *establishment* of a Mint for the coinage of gold in India. The arguments advanced in favour of the coinage of gold appear to me to be overwhelming. It restores to our gold standard policy an essential principle which has been too long neglected when it says 'it is, we think, an indisputable fact that the establishment of a gold currency was regarded as the logical and natural sequence of the closing of the mints to silver, and as the necessary accompaniment of the establishment of a gold standard'; and in a short historical survey of the opinions of the Herschell and Fowler Currency Committees, and of the intentions of both the Government of India and the Secretary of State following on the reports of those Committees, it is clearly demonstrated that a gold currency was regarded as, and intended to be, the natural result of the introduction of the gold standard. It is of the utmost importance that that principle thus authoritatively laid down and accepted should be made effective. From a purely scientific point of view, I believe, the principle is unassailable. From a practical working point of view, it may be admitted that difficulties had to be met and overcome, but we now know from the correspondence which has been published that the chief difficulties which blocked the way to the provision of a gold coinage in India at a much earlier date were created by authorities in England. Apart from these obstacles there would probably have been difficulties to overcome in India at first in getting gold coins produced from an Indian Mint to pass into circulation with sufficient facility to obviate the coinage of token rupees on a large scale. That difficulty still remains so far as a large portion of the country is concerned; but another difficulty to the effective establishment of a circulation of gold has been added because of the enormous additions to the token coinage in the interval. That is a situation which must be accepted and faced however much we may regret it. But it affords no excuse for a continuance of the policy of drift of which it is the off spring. We cannot retrace our steps and begin afresh. But we can determine that for the future every effort shall be made to minimise further inflation of the silver coinage and to encourage instead the use of gold in the circulation, and to that end recognition of the principle that a gold currency, in the words of the Despatch, is the necessary accompaniment of the establishment of a gold standard, is the first step, and the opening of a Mint to the free coinage of gold is the next. Efforts have been made in various directions to make it appear that the Government of India have been directing their energies to the establishment, not of a gold standard, but a gold exchange standard. It is a matter for congratulation to the whole community to find nothing in the Despatch which countenances such a preposterous idea.

"I have said that the principle I have been referring to has been too long neglected. The consequence has been that the token coinage has been added to, in the words of the Indian Correspondent of the 'Times,' to an extent beyond all sense of balance and proportion. The Despatch brings out in bold relief the disabilities of such a system when it emphasises the importance of the responsibilities which rest upon Government for the maintenance of the gold value of the rupee, notwithstanding the fact that Government do not undertake to give gold for rupees. That is a responsibility which appears to be lightly regarded in many direct ons, but it is satisfactory to find that the Government of India labour under no illusions respecting it. They admit that although the crisis of 1907-08 was safely tided over, the lesson went home that they must vigilently aim at strengthening their gold position. They suggest that the situation which arose in 1907-08 may be experienced again, and the difficulties then encountered may on another occasion be much accentuated. No responsible person will venture to dispute that, when it is remembered that the vast additions to the token circulation have been made as the result of, and to carry, booming trade at high prices, and when the changing habits of the public in the matter of currency, referred to in the despatch, are also taken into account. The extent of the responsibility is an unknown quantity, while the measures taken to enable Government to meet

it cannot be regarded as sound. Those measures take the form of reserves formed from the profits on all new silver coinage only—there being no separate reserve against the very large rupee circulation which existed before the change of standards. Those profits are of necessity of a fluctuating quantity—the greater the silver coinage requirements, the higher the price of silver will be formed, and consequently the smaller will be the profits to go to the reserve. The tendency is thus towards a minimum of reserves against the maximum of responsibility. As the habitudes possess the proportion of reserves tends to diminish. On the face of it that is not sound business. Under such circumstances it is not surprising to find Government saying 'we are driven to the conclusion that our only possible policy is to base our standard on two sure foundations, adding gradually to the reserve of gold in England an effective gold currency in this country.' The Secretary of State found the chief result anticipated from the proposals contained in the Despatch, would be to attract to the Mint bullion now held in India. I venture to think that it would have been more correct to say that the chief result anticipated by the Despatch was to 'diminish the pressure on the Government of India for the coinage of silver' and to 'keep down the heavy responsibility that rests on them for the convertibility of the rupee.' But in any case the necessity that Government should take measures to lessen as much as possible that responsibility appears to me to be the paramount consideration.

"It is a matter for regret that the Secretary of State does not appear to have received the proposals of the Government of India with the consideration which, I humbly think, was due to the proposals as a whole and to the supporting arguments. The conclusion he reached was that, having regard first to the ease with which holders of gold bullion in India can, as a rule, exchange it for currency whether sovereigns, notes or rupees, if they wish to do so, and secondly, to the probability that the gold imported into India is so imported because it is preferred in that form rather than in that of coin the adoption of the proposals would not be likely to have any considerable effect of the kind anticipated, but that the experiment is worth trying if it can be done at a moderate expense or on a self supporting basis. Now I venture to say that the very worst thing that can be attempted in connection with the currency is that some action should be openly taken by way of experiment, and no more undesirable object of experimentation can be imagined than an open mint for gold. The arguments of the Government of India prove the absolute necessity for a gold coinage in India. Why, then, agree to open the Mint to gold and brand it with the repellent name of an experiment before it is born? That is not the way to inspire confidence in the minds of the public in such an important matter. A gold Mint being a necessity it should be opened to remain open, and every effort should be made to ensure that the new gold coinage shall be a success in the circulation. The Secretary of State would further make the opening of the Mint to gold conditional on it being done at a moderate expense or on a self supporting basis. The Government of India Despatch had stated 'the objection that the sovereign would be an expensive coin is one that carries little weight.' The actual minting of the sovereign is, we believe, comparatively simple and cheap, and the cost of making the necessary additions to the present equipment of the Bombay Mint would be inconsiderable. The matter of expense does not appear therefore a material consideration. It is, I take it, unlikely that the minting of sovereigns would place the Mint on a self-supporting basis if the intention is adhered to not to charge a seigniorage on minting.

"Also in view of the seasonal trade of India and the import of gold in satisfaction of the Indian trade balances occurring as a rule only during a portion of the year there might not be constant employment for the Mint. But place against any loss that may arise on that account the great responsibilities thrown on Government by the existing system, and I think the possible loss will be regarded as diminutive. The Secretary of State has himself undertaken to borrow if necessary to maintain the gold value of the rupee. An effective gold currency would greatly reduce his liability in that respect. Is it not worth securing such a reduction at the comparatively small cost of maintaining an open gold mint?

"Although, however, the Secretary of State is not, apparently, favourably disposed to the opening of a Mint for the coinage of sovereigns, he is prepared to sanction the coining of an Indian gold coin of the denomination of, say, Rs. 10, but here again he places obstacles in the way by making his sanction subject to a charge for seigniorage, and to the expenditure to be incurred for buildings, plant and additional staff. The Government of India had proposed that no seigniorage should be charged for the coining of sovereigns. The counter-proposal is to charge a seigniorage on the minting of an Indian coin. It seems a penny-wise-pound-foolish policy to seek to obstruct the establishment of a gold mint on the score of expense, which can hardly be very heavy, when we reflect that the gold standard has been of immense benefit to India, that a gold coinage is a necessary part of the gold standard, and that if a gold coinage had been introduced years ago as intended, and the attainment of a gold currency had been steadily pursued in the interval the currency would have been on a much more satisfactory footing to-day, and the contingent liability on the token coinage much reduced.

"In his speech introducing the Financial Statement, the Hon'ble Sir Guy Fleetwood Wilson seemed to indicate that, to begin with, a special Indian coin would be struck at the mint in place of the sovereign which was contemplated, in the Despatch of the 15th May. I should like to ask him, on the supposition that the Mint will strike only an Indian coin, whether, in the event of sovereigns continuing to arrive in volume greater than the absorption into the active currency of those coins, Government would convert sovereigns so received into the Indian gold coins contemplated? The Despatch of last May only dealt with coinage from bullion, but it might be necessary to coin from sovereigns if these continued to arrive in excess of the absorptive powers of the active circulation. Also it appears to me that such conversion of sovereigns would be necessary to begin with by way of send-off to the new Indian coinage and to provide the treasuries throughout the country with the means of familiarising the public with them. The object being to establish an effective gold coinage, it seems necessary to encourage the use of gold in every possible way, and encouragement to be of any practical value must be accompanied by supplies of the new coins in sufficient volume to prevent them from being regarded as mere specimens only. Also, measures are necessary to gain the confidence of the general public that they will not be losers by taking the new coins. One of the greatest obstacles to the sovereign obtaining popularity is that the poorer classes fear a loss when they come to exchange it for rupees, a fear which is not groundless when to many the only means of exchange is at the hands of the sowcar. Government can improve the prospects of the success of an Indian gold coin by making as wide provision as possible for the conversion into rupees of gold coins to the poorer classes at treasuries, post offices, etc. On this point I think the proposals so far announced are defective. It will not be enough to merely open the Mint to the coinage of gold and pay no attention to the encouragement of the use of the gold coins to be struck. No one will advocate forcing the coins into circulation, but there are many

ways by which the use of, and the circulation of, gold coins can be facilitated. The object ought to be to endeavour to minimise further additions to the token coinage by facilitating the use of gold to take the place of fresh silver coinage, and it would be of advantage to know what measures Government propose to take in this direction. A great deal is being heard of the fact that Government did not formally refer the question of the opening of the Mint to gold to Local Governments, Chambers of Commerce, etc. It seems to me, however, that Government are now proposing only to complete the gold standard policy on the lines originally laid down and accepted. It would be the height of incongruity to introduce a gold standard on the recommendations of one set of authorities, and make the most essential features of that policy dependent on the approval of a separate set of authorities. In this connection I would bring to the notice of the Council a shipment to London of over £600,000 of light gold coin which could have been dealt with in India quickly if we had a gold Mint. I hope this question of an open gold Mint for India will be properly investigated by the Royal Commission to which however India must be properly represented and before which competent Indian witnesses must be examined.

"Sir I was also unfortunate, I regret to say, in sending up too late various questions on financial matters which seem to need an answer at the present time. My limit of time does not permit me to deal with them on this occasion, but it will be interesting later on to learn the original intentions of Government regarding the 5/4 crores of profit (less cost of manufacture), on the silver purchases of last year, whether the amount earned from this did not increase the silver branch of the Gold Standard Reserve beyond the maximum formerly fixed of six crores of rupees, and if so, why the surplus was coined and not carried to this reserve? Also why it is necessary to maintain the silver branch of the Gold Standard Reserve in view of the large reserves in gold belonging to the paper currency reserve now held in London.

"In conclusion, Sir, I desire to congratulate Sir Guy Fleetwood Wilson on his successful management of our finances for the past five years, and to express my regret that this is his last Budget and that his work in India is now drawing to its close. Sir Guy has had critical times to contend with, and it must be very gratifying to him to feel that his last Budget shows a big surplus, and that prospects for the future are very hopeful. Sir Guy's personal contact with the commercial and banking communities has been very much appreciated on my side of India. We much regret his departure, and can only hope that his successor, whoever he may be, will be equally accessible."

The Hon'ble RAI SITA NATH ROY BAHADUR.—"Sir, though remarks and observations made on an occasion like this are somewhat akin to what are called as mere expressions of pious hopes and cannot have the same effect as Resolutions formally moved in Council, I respectfully beg to submit that as no Resolutions, since the power was given to move Resolutions in Council, have, with the solitary exception of one or two perfectly innocuous ones, ever been accepted, the general effect of formulating and moving Resolutions and of making general observations, is exactly alike, that both of them leave a certain impress upon the official mind and occasionally may and do fructify and produce a goodly basket of sweet mangoes or other delicious fruits, but not as so humorously put by the Hon'ble Finance Minister, from the garden of an Indian gentleman, but from the garden of the Government of India.

"This is, Sir, my excuse for making a few observations. Now, I begin with offering my hearty and respectful congratulations to the Hon'ble Finance Minister for the very satisfactory Budget he has placed before us, and for the unexpectedly large surpluses he has presented, and the beneficent objects, such as sanitation and education to which he has been good enough to devote the greater part of the unexpected windfalls, for which the thanks and gratitude of the Indian public are pre-eminently due to the Hon'ble Finance Minister, and the same good luck still adheres to India, has been demonstrated by a small surplus of £1,312,200 declared for the year 1913–14. But our jubilation on account of this temporary prosperity is very largely tinged with the sad thought, that we are going to lose for ever the valued services and the ripe experience of a Finance Minister who combines in himself with the several qualifications of the head, numerous qualifications of heart as well. Capable and qualified Ministers of Finance may come and go, but where shall we have again a man so courteous, kindly, so just and sympathetic? What is more saddening is that with the loss of his services we lose the Hon'ble Sir Guy Fleetwood Wilson altogether, and necessarily the benefit of his advice, experience and guidance, for it is the characteristic of Indian official life that when the fever of Indian official life ceases life in India, as a matter of course, ceases with it. It is something like the recovery of the proverbial Tom from fever, that when Tom's fever went away, Tom himself went off with it.

"There is another thing which is causing us a good deal of anxiety. Though we rejoice over our temporary prosperity, over our unusual and extraordinary windfalls, we are saddened by the thought that these are only temporary, and that it is not unlikely that we may have to meet a heavy deficit in the near future. We are face to face with the total extinction of the opium revenue which yields every year without any hitch or difficulty the magnificent sum of 5 million pounds more or less. We are called upon to submit to this huge sacrifice for a sentiment, in the name of humanity, and that for the benefit of another nation. The arrangement which would entail such a heavy sacrifice was all made at the bidding of the ruling country, for the sole benefit of a third party to which India was not a consenting party, and as such, it is only fair and reasonable that England for the good reputation of her sense of justice, sense of fairness, and injustice to her dependency which is absolutely dependent on her, should come to her rescue and recoup the loss, or if that is not to be, should at least allow India sufficient fiscal autonomy so that she may adjust her finance in a way most suited to her advantage. England was once a protectionist herself, but now the pendulum has swung back and she is now a free trader, and it does not suit her interests to impose protective duties, but is that any reason why India, if additional taxation becomes necessary consequent on the approaching extinction of opium revenue, should not be allowed to levy protective duties on manufactured goods such as cotton goods, hardwares and numerous other things that are imported at least from foreign countries, such as Germany, France, Austria, Belgium, America and Japan? The imposition of such duties would be immensely advantageous to India in several ways, such duties will not only bring in money but at the same time go to protect our nascent industries. It is said that fresh taxation may not be necessary consequent on the extinction of the opium revenue, but whether that is so or not it is an admitted fact that India requires money for a variety of purposes and objects, such as elementary education, technical education, sanitation, water-supply, etc., but where is the money to

come from? It would indeed be indulging in an extravagant hope to expect compensation from England, but India should at least be allowed to adjust her finance, and to levy taxes in a way most suited to her interests and which at the same time would not materially and prejudicially affect the interests of the Ruling country, but what could be more fair and reasonable, more conducive to the interests of India, than that she should be allowed to levy as proposed by the Hon'ble Mr. Sri Ram the other day, a duty of 5 per cent. on imported sugar which wholly comes from Java and Germany, it would not only add to our not very overflowing coffers a very large sum of money, but would at the same time go to materially help in the revival of a dying industry, and to stimulate it. At one time, and that not long ago, sugar was a very important and paying industry in this country. Besides meeting the whole requirements of India, a large quantity used to be exported abroad, and it necessarily gave employment to several hundred thousands of people, but that is gone; the sugar industry is nearly extinct, it having been superseded by the bounty-fed beet sugar from Germany, and that exported from Java, if not so much for revenue, at least for promotion and protection of our decaying and decayed industries, we badly want protective duties, but that is not to be, for we are helpless, and we have no right to exercise our judgment, and judgment we have none.

"I regret to have to state that it is in a manner useless for us to discuss questions of finance, as in all matters relating to finance we are to be governed by the will of the Ruling country and the policy she may pursue, all such discussions can only serve to show the trend of our feelings and nothing else. However, I may incidentally remark that it will require no small efforts, no little exercise of ingenuity to replace the heavy loss that would be caused by the total extinction of the opium revenue. The reply is often given. "Trust to God. He will give you the relief." The near extinction of the opium revenue is a disturbing factor of no mean magnitude, and will go to unsettle and prejudicially affect the financial arrangements of the country. It is therefore very opportune that a Royal Commission has been announced, the main object of which will be to inquire into the present state of the finance of the country. Sir, may we venture to suggest in this connection that the Government of India would be pleased to recommend to His Gracious Imperial Majesty the appointment of one or two non-official Indian gentlemen in the proposed Commission.

"Now, returning to our original subject of temporary surplus and the very large non-recurring grants liberally made to education and sanitation. I beg to point out that, while we cordially welcome these large additions to such noble objects as education and sanitation, it must be admitted on the other hand that fitful generosity and spasmodic efforts of charity cannot do much good of a permanent character, cannot have lasting effects on matters so vast as education and sanitation, concern as they both do a population of 300 millions and a country comprising an area of 1,770,169 square miles, the requirements of which must necessarily be varied and various and large and comprehensive.

"Now, adverting to Bengal with which I am so closely associated I beg to point out that its sanitary and educational requirements are indeed very large. Now that Bengal has been shorn of more than half of its former area, there has consequently been a reduction of receipts from different sources. The Hon'ble Sir William Duke, in presenting the Financial Statement of Bengal for the year 1913-14, frankly admitted that after meeting the ordinary recurring charges which amount to 5 83 crores of rupees a year, 11 lakhs of rupees per annum in all that is left to meet non-recurring charges, and consequently if the Government of India had not treated Bengal in a very liberal and generous spirit, by making large and liberal grants, both recurring and non-recurring, many departments would have been starved, and Bengal would have been placed in an awkward predicament.

"It is well known that malaria and cholera are the two greatest scourges of Bengal. If these two terrible scourges are to be uprooted, persistent, continuous and sustained efforts should be made to combat them. Considering the present not very solvent financial condition of Bengal, and while its varied needs and requirements are so large, it won't do for Bengal or any other large province to be dependent on the fitful doles of charity of the Supreme Government. In my humble opinion instead of unsteady non-recurring, recurring grants of more or less permanent character and of a substantial nature, that is, fixed and tolerably large annual assignments should be made by the Government of India, at least for some years to come, to enable Bengal to tide over her difficulties, to enable Bengal to save her people from the scourges of malaria and cholera, to enable her to satisfy the intellectual cravings of her advanced and progressive people, and in fact to enable Bengal to make two ends meet. Her present embarrassed position is not of her own seeking, but has been thrust upon her against her will. With the abandonment of Calcutta as the seat of the Imperial Government, Bengal has been materially and prejudicially affected. It was in Calcutta that the British power was first established and consolidated, and it was from there the British Empire gradually expanded until it grew into a mighty one, and I may add, the most magnificent in the world, embracing within its fold that vast, extensive territory extending from the confines of Afghanistan to those of Siam, that Calcutta, the fairest of the fair, and the Queen of the East, and which is entirely the result of British enterprise, now has forsaken and neglected, and she has been dethroned and the diadem which so long adorned her brow has been taken away.

"It is not the transfer of Capital alone, but along with it variety of adverse circumstances have combined together to depreciate Calcutta, and to detract from her importance and dignity and in all possible ways to prejudicially affect her interests as well as those of Bengal. Calcutta is gone, but her glorious traditions will last.

"But enough. I must restrain myself, for as a loyal subject, I must bow to the decision of His Gracious Imperial Majesty. Now returning to the subject of the very generous but non-recurring grants of 2½ crores of rupees, made in different provinces and for different objects, I humbly beg to make a suggestion which I do with the utmost hesitancy that the 2½ crores of the above amount which has been set-marked for education in general, might with advantage be solely and wholly devoted to, and set-marked for, the establishment of a Technological college at a central spot, and that the whole amount of 2½ crores might be utilised in constructing suitable buildings and in equipping it with suitable laboratories, and that the Supreme Government should annually make a recurring grant of, say, 15 lakhs of rupees a year for the efficient up-keep of such an institution.

"My reasons for the above suggestion are as follows:—

'Non-recurring grants of 2½ crores of rupees though apparently very large, cannot do much good which will have a lasting effect when we come to consider that the amount is intended for all branches of education and for all the provinces, big or small, throughout India, whereas if utilised for a single object of permanent character, for the benefit of the whole country as I have suggested,

that is, in establishing a Technological college, for the whole of India, its results and benefit would be palpable, large, and at the same time lasting, and it would be more appreciated by the people themselves than otherwise

"Sir, I venture to assert that all shades of opinion will unite in hailing the establishment of a Technological college, as a lasting and substantial boon With the near extinction of opium revenue, such a large surplus is not likely to occur very soon I do not depreciate elementary or higher education, but what I do say is, that more literary education in the present state of our country is certainly less beneficial in its effects upon the people than technical education. If a plebescite were taken, I think the whole country would vote for it. The question of technological education was discussed threadbare in this very Council about three years ago when Rai Bahadur Madhaikar moved a Resolution for the establishment of a centralised Technological college in India. I need not repeat the arguments that were used in support of the scheme

"Now a word or two about the public works cess which has a history of its own. It is well known that the resources of our district and local boards are so limited that they can hardly cope with the several heavy obligations from the excavation of tanks down to cattle breeding that have been thrown on them. The road and public works cesses in Bengal and other local cesses elsewhere which go under different denominations in different provinces, were levied for particular objects and assurances were then given that they would be religiously applied to the objects for which they were levied, but we are all aware how in Bengal the public works cess was diverted and appropriated to totally different objects. However thanks to the sense of justice and fairplay which are the inherent characteristics of the British Government, and thanks also to the patriotic efforts of the Hon'ble Mr. Gokhale, the enormous sum of 73½ lakhs of rupees has at last been most generously set free and remitted to the several provincial Governments, and thus the district and local boards in Bengal will get the benefit of a new accession of revenue to the extent of 25 lakhs of rupees to their not very overflowing funds, which will enable the district boards to materially help the rural areas in the supply of pure drinking water and sanitation, the two objects of the greatest importance to them.

"Before concluding, I wish to say a word or two about the gold coinage and currency. The question of the gold coinage and gold currency in this country has been before the public for a very long time, and has been discussed threadbare. Nothing fresh or interesting can be added to its already vast and voluminous literature Two things stand out very prominently in this controversy, first, whether it is good for India to have gold coins and gold currency, second, whether people themselves would appreciate it and take to its use. All other questions are beside the point, and need not be taken into serious consideration. Now, it has been proved beyond doubt that in the circumstances prevailing at present, when India has to hold commercial intercourse with other gold using countries, and, moreover, when gold is locally procurable, it is to her utmost benefit that she should have gold coinage and gold currency, specially when she has set up a gold standard. Then about the second point, I may say that the fear, if any, of the melting pot and of the vaulted or buried hoards is now no more. It has been acknowledged by the Government and proved by incontrovertible facts and figures that the habits of the people have changed and are changing very rapidly, and they like to use a handier currency than silver. I do not understand the morbid care and anxiety of a certain class of politicians and economists who have gone almost mad over the idea that what will become of the world if India now begins to attract and use gold, their fear is that gold would be absorbed and not be brought back into circulation I may console them with the assurance that the story of hoarded and buried wealth is an absolute myth. Then our request is very modest. We do not advise Government to rush headlong into the matter, let us proceed cautiously. Let us have free, open mint for the coinage of gold. That is all we want; then about the kind of coin to be adopted in this country, that is a matter of detail I think sovereign is the best, it has been happily described by Sir Shapurji Broacha as the cement of the Empire. I may say here in passing that it is forgotten by the so called foreign experts that we had our gold coinage before the advent of the English in this country. India still remembers her past and aspires to rise again in the scale of nations under the aegis of British rule and I do not understand why unnecessary obstacles should be placed in her way to achieve her legitimate desire and when that desire is backed by incontrovertible facts. However, in spite of all our trials and troubles I hope we are in sight of the promised land at last.

"We had hoped that the political outlook which was so sad and dismal some years before, would very soon clear up and bright prospect would dawn, bringing joy and restoring peace and order in this ill-fated land, but that is not to be. The abominable and dastardly outrage of the 23rd December last, that that day of India's lasting shame, which has cast an indelible stain on her fair name and fame and the reports of the weekly decoities in Eastern Bengal and the recrudescence of other crimes of more or less heinous character, have aggravated the situation, and rendered life and property insecure. Sir, one of the greatest blessings of British rule, the much-prized security of life and property, is no more and a sense of insecurity and anxiousness pervades all parts of rural areas in Eastern Bengal."

THE PRESIDENT :—"I must ask the Hon'ble Member to resume his seat as his 20 minutes are up."

The Hon'ble Mr FAZULBHOY CURSETJEE FAZULBHOY :—"Sir, it is a matter of joy to us all that His Excellency the Viceroy is, through the grace of God, convalescent, that the cloud has passed away and that His Excellency means to rule over us during the rest of his term of office, and to pursue that enlightened and benevolent policy, so dear to his heart which intense physical suffering has not been able to change. We are also glad Her Excellency Lady Hardinge, with admirable self-sacrifice, has foregone for the present the holiday she intended to take, and has decided to stay among us in India.

"Sir, the Hon'ble the Finance Minister naturally attracts the chief interest on Budget day. That interest is heightened in the case of Hon'ble Sir Guy Fleetwood Wilson on account of his personality. He just now stands high in the esteem of the people. We Indians appreciate sympathy and good intentions, and if the Hon'ble Sir Guy Fleetwood Wilson has 'meant well by India,' he has the warm appreciation of the people in return, which is perhaps the highest reward of public service. On the Bombay side he has endeared himself still more by the genuine concern he has shown for our commercial and industrial progress. Details are unnecessary reference to one incident will suffice. Not for the inquiry he personally undertook at Bombay, resulting in the suspension of the opium sales, the loss to the merchants engaged in the trade would have been enormous. Some idea of the importance of the Government action will be had from the fact that at the time about 15 crores of rupees worth of opium was in stock Suspension of further sales has thus clearly averted a financial crisis

But something more has to be done. On this subject I wish to speak with due reserve. The Hon'ble the Finance Minister himself will realise the gravity of the situation. The suspension of the sales has only prevented a decline in price, but the stock cannot be cleared. The Chinese Government, I regret to say, is either powerless to observe, or fails to observe, the treaty. A serious responsibility now rests on this Government. The holders purchased the opium in implicit faith in the inviolability of a British treaty. It is quite equitable that either the Chinese Government should abide by the treaty, or buy the whole stock, thereby securing to itself all the advantages of a monopoly. If in future China wants to buy Indian opium, she may buy it in the same way as Japan does for Formosa.

"Sir, the next year's allotments for railway expenditure also show the Hon'ble Finance Minister's statesmanlike grasp of our real needs. Improvement on the open lines, instead of extension, absorbs more than five-sixths of the total allotment, and two crores of rupees out of the amount have been earmarked for the additional wagons. The arrangement cannot but be regarded as satisfactory.

"Sir, allow me to point out that we expected that the Hon'ble Sir Guy Fleetwood Wilson would meet the most pressing demand of enlightened commercial opinion in India before he lays down the reins of office. However satisfactory his scheme of taxation may appear to him, the duty on our silver imports is a handicap on our export trade with China, and the arguments advanced against it in 1910 have not lost in force by time. In 1911, the Hon'ble the Finance Minister pointed to the high price of silver then ruling and the absence of any diminution in the exports to China as supplying a complete refutation of these arguments. This position would find it difficult to accept. It is true the price of the metal rose high for a time and the injurious effects of the duty upon our import trade with silver-using countries have not so far been apparent, but the phenomenon is due to a number of causes unconnected with the import duty. The apprehended contraction in our exports to China was expected to follow the consequential slump in the silver market, but adventitious circumstances prevented this fall. The influence of the duty upon our export trade has been obscured for the time being. The Hon'ble the Finance Minister knows full well the causes which have contributed to the high price of silver. It will be too much to claim for the import duty this appreciation as its normal effect. The conditions producing this result are from their nature temporary. With the restoration of normal conditions, the injurious consequences anticipated in 1910 will for a certainty develop themselves. As a matter of fact, the volume of Indian twists and yarn exported to China has contracted and the decline is steady. Weaving is now found more profitable than spinning by reason of the loss of the China market, on which Japan, progressing through a protective tariff, dumps her surplus goods to advantage; but the substitution of looms for spindles is a work of both time and extra capital which all cannot afford. These difficulties of the Indian cotton manufacture are increased by the heavy silver duty. The Indian silver imports are likewise sure to go down, producing a depressing effect upon the silver market. The Hon'ble the Finance Minister has himself budgeted for a smaller revenue from the duty in 1913–14, in consequence of smaller purchases of silver. How have then the very sound objections to the duty failed? The Indian public will not be reconciled to this duty, and it behoves Government to take the earliest opportunity to abolish it, or in the alternative to reduce it considerably. A succession of surpluses should enable Government to do this. With the demonetisation of silver, the imported metal has lost its currency value and is equivalent to an ordinary commodity. It is unfair that it should be burdened with a heavier duty than other commodities. The Bombay Millowners' Association is anxious that the duty should be abolished; and if I did not put forward a definite proposal to that effect in connection with the Budget, it was because of the conviction that the Hon'ble Sir Guy Fleetwood Wilson, on the eve of his retirement, would be reluctant to take such an important step.

"Sir, assuming that such large revenue cannot be surrendered in view of the increasing financial wants of an advanced administration, the loss can be made up by the imposition of reasonable heavy duties upon some other imports. But this Government, in the present state of their relations with the Home Government, might and would hesitate to take this just course. The real difficulty arises from the absence of a reasonable degree of freedom to the Government of India to regulate the tariff according to their financial needs. Sir apart from all considerations of free trade and protection, this want of fiscal independence or fiscal autonomy must strike any impartial onlooker as something radically wrong. The tariff in all countries and in all ages has been a productive source of revenue. Free trade England imposes heavy duties on some of her imports. Why is it then that the Government of India should not be allowed to arrange their tariff in the best way they think proper provided the duties are imposed for the purposes of revenue and do not exceed a fixed maximum, say 10 per cent. *ad valorem*? The British Colonies have the right and much more. They can protect their industries even against the mother country. The case for India for fiscal autonomy with the limitations suggested above would seem to be unanswerable. This is a reform which can be introduced immediately without the abandonment on the part of either England or India of the orthodox principle of free trade. I hope that this Government will now take a practical step and move the Home Government for the concession which cannot be withheld from us long. We shall not rest content so long as this little justice is done to us.

"Sir, the Government decision to suspend the coinage of gold in India, pending the expert investigation of Indian finance and currency, has been received with profound disappointment by the commercial public, showing as it does, our complete dependence upon England in all our financial arrangement. The jealous West would appear to be anxious to stop even the course of trade and to intercept the gold that flows in to this country with the current. The demand comes for a Royal Commission of Inquiry from English financiers, and all our arrangements for introducing a supplementary coin agreeable to Indian sentiment are upset. Sir, we Indians do not mind the inquiry, but some explanation is due to us why at least a gold coin of a smaller denomination than the sovereign, although approved by the Secretary of State, should not be minted at Bombay forthwith, and why the proposed minting operations should be hung up for the approval of the Royal Commission? We Bombay merchants, manufacturers and bankers feel strongly on the point.

"Sir, the Indian public feels uneasy about two other facts. The Government of India have no independent relations with any foreign Government. And yet on the 14th February last the Hon'ble Sir Acland, in the course of his reply to the Hon'ble Sir John Rees, stated in the House of Commons:—

'The Government has undertaken jointly with the Government of India to make an advance earmarked for the administration of Shiraz'

"This is a startling statement which requires elucidation. We are obviously making a new departure in our financial relations and responsibilities which are outside the legitimate sphere of dependency.

"Sir, the other disquieting factor is the expedition for the suppression of the arms traffic in the Persian Gulf. Year after year our Budget provides for expenditure on this account, but the people are completely in the dark as to the arrangement with the Home Government under which we have to pay for these operations. We do not seek to criticise in this Council the Government policy in this respect, but only seek to ascertain if our financial interests have received at the hands of the Home Government adequate consideration.

"Sir, the chief interest in the Budget centres round the liberal grants made out of Imperial revenues for the extension of education, primary, secondary and high. The total budgeted expenditure, both Imperial and Provincial in 1913-14, exceeds the Revised Estimate of the current year by about 2½ crores of rupees. This is a hopeful sign. The apportionment of the Imperial grants, recurring and non-recurring, is, however, open to criticism. Bombay, which is ahead of the other provinces in education, gets only 12 lakhs of rupees as against the 33 lakhs of Bengal, 23 lakhs of Madras and the 20½ lakhs of the United Provinces. 'The distribution of the additional sum among the provinces has been made' according to the official explanation, 'generally with reference to population the demand for education and the express needs of the Local Governments.' I priori the hardship upon a province like Bombay where the numerical strength of the population does not provide a fair test of the actual needs. Under the inspiring guidance of Lord Sydenham, our educational activity in Bombay has been varied and phenomenal, general education primary, secondary and high; technical education, scientific education, commercial education and agricultural education alike are engaging the serious attention of both the people and the Government, and we could surely now utilise a much larger grant, notwithstanding the large unspent balance of the past education grant. A scheme for the conversion of the Victoria Jubilee Institute into a Central Technological Institute is ready; a college of science and a commercial college will shortly be started; an agricultural school has been established at Poona; manual training has been introduced into the general schools, we have a fixed annual programme of 500 additional primary schools. This is a record of work which stands unequalled, and it does not require any strength of imagination to realise that our activity is only circumscribed by want of funds. To speak of only primary schools, 17,000 of them are required in the province. Bombay thus deserves special treatment.

"Sir, Government should take note of the special educational needs of the Moslem community. The Mussalmans are admittedly backward in education. All are likewise agreed that unless they are educated there is not much hope for progress in India. Thanks to the operation of the favourable forces of time, there is now a general awakening among them, they are shaking off their stupor, they yearn for knowledge. Government should take them by the hand, and encourage Mussalmans' education by every means in their power. My Hindu brethren will not grudge the Mussalmans' special favour in this matter of education. Experience has taught me that the Hindus are equally anxious for the education of my co-religionists. Government should therefore have no hesitation in pursuing a more liberal policy towards Mussalman education. And the policy must be shaped in frank recognition of the cardinal fact that in consequence of their religion, education, to be effective and popular, must be sectarian. Special schools are absolutely necessary in their case for training in Urdu and religious books. The establishment of such schools will be greatly encouraged by the raising of the maximum aid in the case of Mussalmans to a moiety under the Government system of grant-in-aid to private schools. And for the high education of the community, the proposed Moslem University at Aligarh should be an accomplished fact before long. Government are in possession of the fullest information about Mussalman sentiment. They are doing their best to secure for the Mussalmans all the powers and all the privileges that the circumstances would allow. An amicable and early settlement of the various issues involved in this all-important question of a Moslem University between Government and the leaders should not be beyond the bounds of reasonable hope. I sincerely trust this Aligarh University will soon be established.

"Sir, in Bombay, Mussalman education is receiving a large share of the public attention. We are doing something for its promotion. Before long Poona will have a residential high school on the model of the English public school for Mussalmans, and a school for Mussalman girls will shortly be established at Bombay. The establishment of a college for Mussalmans is under the consideration of the Government. A number of schools for Mussalman boys have been opened in the districts. The Government of Bombay is very sympathetic and is ready to lend as much financial assistance as their limited resources would allow. Our great need is money. With more liberal Imperial grants we could show better results. I hope we shall have them in the next Budget, if not in this.

"Sir, on a broader review the allotments for education from the Imperial revenues disclose one serious defect. Government have undoubtedly broadened their educational policy, but technical education does not receive its adequate share of attention. The proposition is almost axiomatic that the development of manufacturing industry is the best insurance against the injurious effects of the uncertainties of agriculture. And not only that, manufactures are necessary for the profitable utilisation of the fruits of agriculture—raw produce. I am convinced Government is impressed with their importance. We surely have a higher purpose in life than to be the growers of raw material. And in so far as our industrial development is dependent upon the dissemination among us of technical knowledge, technical education should be an object of paramount interest to the Imperial Government. Sir, it is time Government reorganised their responsibility in this matter, and sanctioned special allotment for the support of technical education.

"Sir, speaking of grants for education, I have one other suggestion to make. Residential high schools, on the model of English Public School, for their elevating influence upon the moral character of the students, are a necessity in India. Private enterprise in this matter should be encouraged and stimulated by liberal grants. I beg to suggest that these residential schools should receive preferential treatment.

"Sir, in my humble opinion, the corrective for the financial difficulties of Provincial Government I have just criticised above lies in greater decentralisation in the administration. The Hon'ble the Finance Minister has referred in his introductory speech with some degree of legitimate pride to the Provincial Settlements and to the consequential betterment in the financial resources of the Local Government. But the lump grant of a crore of rupees out of the Imperial surplus in aid of Provincial

resources disproves the proposition that these resources are sufficient for the numerous needs of progressive administration. It would be far better if the arrangement is reversed, and instead of the Local Governments being the recipient of certain fixed proportions of the Imperial revenue the revenue is provincialised and the central Government is content to receive fixed contributions from the Local Governments. I also maintain that the time has come when larger financial powers, the powers of borrowing and taxation among them, should be given to Provincial Governments. Sir, the Provincial Legislative Councils have been expanded on a popular basis, with a standing non-official majority. But they will not be the active units, Government want them to be entrusted some real power of financial control is given them. The illustrious Governor of Bombay, Lord Sydenham, in his speech at the meeting of the Bombay Legislative Council of the 17th March current, observed :

'The work of this Council has increased, and it will increase still more if ever decentralisation, of which much has been said and nothing done, becomes an accomplished fact. Then in all matters of Provincial concern the Council will become a real power, and I am convinced the progress of this Presidency, now too often retarded because other provinces are not equally ready to advance, will be vastly accelerated. I am quite convinced that this Council is now quite fit to assume a larger responsibility, which in my opinion ought, and I hope would, in time to come, be conferred upon it.'

"Every word of this is true. Lord Sydenham with a statesmanlike perception of the wishes and the needs of the people has indicated the direction in which reform is desirable. He has in this appeal the support of educated India. This Government will now be pleased to take this question into their serious and favourable consideration.

'Sir, one point more and I have done. The question of British contribution for the loss of our opium revenue is once again in the fore. The justice of the claim nobody will have the hardihood to deny. Without consultation with the people of India or even preliminary notice the British Government proceeded to knock off an important source of our revenue. The Government of India was deprived of an annual income of over 6½ crores of rupees for the satisfaction of the philanthropic Englishman. But we should not grudge the loss. India has for centuries been noted for spirituality and high morality. The claim for compensation for the abandonment of an immoral trade would be clearly opposed to her noble traditions. Proud in the possession of a magnificent code of ethics, we will not have any compensation from the British Exchequer for the loss of an immoral gain."

The Hon'ble Maharaja MANINDRA CHANDRA NANDI OF KASIM BAZAR :—" Sir, I congratulate the Hon'ble the Finance Member on the fact that the Financial Statement before the Council bears testimony, for the third year in succession, to the material prosperity of the country. The estimated surplus for the official year which is about to close was about a million and a half pounds sterling, while the Revised Estimates show a surplus of £3,302,900, which is nearly two millions better than the estimate. The beginning of the present year was an anxious time in Northern and North Western India on account of the delay in the winter rains, but all anxiety has been averted by the late but sufficient rains which have fallen in February and the current month. It is noteworthy that in spite of the large surplus in the years 1911–12, 1912–13, and the estimated surplus for the next year it has not been found possible to announce any reduction or remission of taxation. This, no doubt, is partly explained by the undertaking given by the Government of India in 1911 for the extension of the opium trade with China by 1917, or earlier if the extinction of the production of the indigenous drug in China were proved. Considering the very important part that the revenue from opium plays in Indian finance the Hon'ble the Finance Minister is probably justified in not agreeing to any diminution in any source of income. We are within a measurable distance of the time when the opium revenue will be automatically wiped out under the terms of the agreement with the Chinese Government, and though it would be premature to attempt a forecast of the adjustment of revenue and expenditure when that contingency arises, it is to be earnestly hoped that the new situation will be met without recourse to fresh or enhanced taxation.

"In the distribution of the available surplus for 1912–13 two and a half crores of rupees have been assigned for non-recurring expenditure on education, and one and a half crores for urban sanitation, but Provincial allotments have not been specified. In the Budget Estimates for the next year one crore has been allotted for recurring expenditure on education and sanitation, 85 lakhs being distributed to the major provinces seven lakhs being assigned as Imperial expenditure and eight lakhs being retained as a reserve. The amounts set apart for expenditure on education leave Provincial Governments and Administrations unfettered discretion as regards the branches of education on which additional expenditure is to be incurred. I venture to think, Sir, that technical and industrial education has the strongest claim upon public revenue in view of the altered conditions which are rapidly appearing in the country. A mere literary education is no longer sufficient to equip our young men for the struggle of existence. The growing needs of the country and the people have to be supplied in a large measure by commodities brought from foreign countries. A wider spread of technical and industrial education will have the effect of opening up new vocations in life for our young men as well as developing the resources of the country. According to the fifth quinquennial report 1902–07, on the progress of education in India there were, in 1906–07, 14 technical and industrial schools in the Madras Presidency, 31 in Bombay, 62 in Bengal, 11 in the United Provinces, 19 in the Punjab, 3 in Burma, 12 in Eastern Bengal and Assam and 5 in the Central Provinces and Berar. Confining my remarks to Bengal, which now once again includes Eastern Bengal, the number of Technical and Industrial schools is apparently the largest of any Presidency or province in India. Of course the number that falls within Bihar, then an integral portion of Bengal, has now to be excluded. But these schools in Bengal are very small institutions and are mostly aided or private. The report on Public Instruction in Bengal for 1910–11 shows that the total expenditure on technical and industrial schools managed by Government was barely Rs. 45,074, of which Rs. 33,414 were contributed from Provincial revenue. The amount is wholly inadequate for the requirements of so important a Presidency as that of Bengal. Even if the establishment of a fully equipped Technological Institute is delayed, a much larger amount should be earmarked for technical and industrial education, and the Bengal Government should have no difficulty in doing so out of the allotments made by the Government of India from surplus and current revenue.

"As stated above, provision to the extent of 1½ crores has been made for urban sanitation from the surplus of the year about to close, as well as a moiety of one more assigned in the

Budget Estimates for 1913-14, but in the latter instance, it is not specified whether for urban or rural sanitation. To us in Bengal rural and not urban sanitation is a problem perhaps more important than urban sanitation since the former affects a much larger population and a wider area. The ravages of malaria in Bengal are well known, and village areas have suffered severely specially in the districts of Murshidabad, Nadia and Jessore. At the second all-India Sanitary Conference held at Madras in November last year, and over which the Hon'ble the Member for Education presided, the subject of rural sanitation in Bengal was discussed in a paper read by Mr Man Lal Ghose, a member of the Conference. He referred to the terrible ravages of malaria in Burdwan and other districts in 1861 and subsequent years. The Epidemic Fevers Commission of 1864 attributed the outbreak to miasm, polluted drinking-water, deficient ventilation and other causes. Since then malaria has spread over an extensive area and has been undermining the health and constitution of the people, and injuriously affecting the development of the race. It was pointed out in the course of Mr. Ghose's paper with the views of which Rai Bahadur Dr. Kailas Chandra Bose, C.I.E., an eminent medical authority, generally agreed that the problem in Bengal was one of village sanitation, and there was an imperative necessity for improving the drainage and water-supply. This should be supplemented by the clearance of jungle and the growths of rank underwood, the filling up of useless tanks, the freedom of tanks of which the water is used for drinking purposes from pollution, the prohibition of borrow-pits in the proximity of villages and other necessary measures. In his opening speech the Hon'ble the President announced that out of the grant of Rs. 4 lakhs for anti-malarial measures Rs. 50,000 had been assigned to Bengal for experimental jungle-clearing, but the anti-malaria campaign should be carried on in a systematic manner in all directions, and then alone will our efforts be crowned with success. His Excellency the Governor of Bengal, it is satisfactory to note, takes a practical and keen interest in rural sanitation, and I am confident that, with the additional funds placed at his disposal, His Excellency will endeavour to deal with the problem of rural sanitation in Bengal.

"Before resuming my seat, Sir, I hope you will permit me to refer briefly to the concluding portion of the Financial Statement. The Hon'ble Sir Guy Fleetwood Wilson has said that this is his last Budget and he will sever his connection with India with profound sorrow, but he rejoices exceedingly that he will leave her loyal and prosperous. We all sincerely share the last sentiment. Sir, by his unfailing courtesy, his affability and urbanity, Sir Guy Fleetwood Wilson has, in his exalted offices of Finance Member and Vice-President of this Council, won the respect and esteem of Hon'ble Members of this Council, while his sympathy for the people of India is remembered by them with affectionate gratitude. When the time comes for the parting word to be said, the best wishes of all India for his continued prosperity and success in a different and, we hope, a higher sphere of activity will accompany him to his distant home beyond the wide seas."

The Hon'ble Mr. GHUZNAVI:—"Sir, to-day I rise to congratulate my brethren, both European and Indian, my Hon'ble colleagues in this Council on having come to the end of our labours and brought to a close this first session of the New Council in the historic Delhi of past glories and in the truly Imperial Delhi of future hopes.

"The momentous change of policy which, while, upsetting the partition of Lord Curzon, ushered in the transference of the capital from the city of Job Charnock to the city of the Moguls, I confess, Sir, for a moment paralysed the Mo-lems of Eastern Bengal and Assam from their rank and file to their accredited head, the Nawab Bahadur of Dacca, who had identified himself so much with the province that was born to die so young. At the time the news recalled us, I, who was then stricken with a serious malady and was more dead than alive, thought with the rest of us that it was a veritable political debacle. But God in His infinite mercy not only restored me to a fresh lease of health and activity, but with it as it were brought the conviction to the minds of us, Mussalmans of Bengal, that the change was by far for the better. Although the change is written in the present Budget as it will be written in future Budgets in large figures of expenditure, it has converted our province into a Presidency with the British Statesman at its head of consummate ability, tact and genuine sympathy, courteous and affable with a keen regard for the true interests of those over whom he has been called upon to rule. It has given us a Government by an Executive Council composed of men like the Hon'ble Sir William Duke and Mr. Lyon and my friend and late colleague Syed Shamsul Huda, who have an intimate knowledge of the land and the people whose administration is under their charge. For these reasons, Sir, I for one do not grudge any expenditure in the Budget which is the outcome of this policy which will ever be associated with the revered name of His Excellency Lord Hardinge.

"Sir I have no desire to criticise at any length the Budget—the prosperity Budget, if I may so use an old expression which has found favour in the past with many of my colleagues for it hardly calls forth any comment; nor do I desire to repeat what surplus it shows, what income it indicates, or what expenditure it advocates, for all that is within the easy reach of any one who wishes to turn over the so called dry and dusty pages of the Financial Statement of the Budget which I must confess this year have been made a little less dry and a little more interesting by the magic hand of my friend, the Hon'ble Sir Guy Fleetwood Wilson. I wish to take advantage, Sir, with your permission, of the general nature of to-day's debate and dilate on a few matters of general policy. But there is one point strictly financial that I should like to touch upon and it is this:—It is the financial relation between the Imperial and the Provincial Government. In the middle of May 1912, a resolution was issued by the Government of India defining the future financial relations between the Imperial and the Provincial Governments. The first point which strikes one with regard to this is the absence of what the various Local Governments consulted on the subject said about the points referred to them. In the resolution, there is very little to show what their opinions were, and yet the Provincial Governments are so much interested in the question as is the Imperial. What I ask is this, will the Hon'ble Finance Minister be pleased to tell us what the opinions of the Local Governments were, and whether in the present Budget the relations between the Imperial and Provincial Governments have been adjusted in the light of these opinions. Before the year 1871 Local Governments, though responsible for the internal administration of the country, had no power of control over the financial affairs of their respective provinces, and therefore had no financial responsibility. The revenues of the whole Empire thus went into a common fund which was completely at the disposal of the India Government. The Supreme Government came to find in course of time that the demands of the Local Governments for money were practically unlimited, because

there was almost no limit to their legitimate wants. Thus the constantly increasing demands of the Local Governments obliged Lord Mayo in 1871 to inaugurate the celebrated decentralisation scheme by which it was resolved to make over to the Local Governments a certain income to meet their local expenditure and leave to them subject to certain general rules and conditions, the responsibility of managing their own local affairs. Thus the financial control of Jails, Police, Education, Registration, Medical Service, Printing, Roads and Civil Buildings was transferred to the Local Governments. But as the Secretary of State for India kept for himself the lion's share of the revenue and the Government of India in its turn followed suit, this arrangement proved unsatisfactory. Chiefly because it allotted to the Local Governments means which were at once insufficient and left them to carry on their administration as best they could within that amount. Thus, thrown upon their own resources the Local Governments with the permission of the Government of India hit upon ingenious local taxes which gave birth for the first time to that wonderfully elastic taxation which is so dreaded by the unfortunate zamindars of Bengal, namely, the Road Cess and the Public Works cess. Other provinces such as Punjab, Madras, Bombay had similar taxes sprung upon them. Lord Lytton in 1877 further developed this decentralisation scheme, and Bengal and other Local Governments were entrusted with the management for their use on fixed terms of progressive payments, their Excise, Customs, Salt, Law and Justice, Marine, and miscellaneous, etc., and some heads of expenditure were also entrusted to the Local Governments. The Local Governments thus were authorised to develop the sources of the revenues placed at their disposal with the condition that the Government of India was also to get a share in the increase of this revenue every five years at certain fixed rates. Soon after Local Governments accordingly began to show increase under every head of revenue, the proceeds being rateably divided between themselves and the Supreme Government with the result that taxation reached almost its utmost limit in every province. Let us take an example. The revenue of Bengal, Bihar, Orissa and Chota Nagpur increased from 3 crores 4 59 lakhs odd to 3 crores 68 lakhs odd, and it went on increasing until we get in 1909-11 to 5 crores 77 lakhs odd for West Bengal and 2 crores 27 lakhs odd for East Bengal, subtracting 74 lakhs, that being the annual revenue of Assam. That is to say, within 30 years the revenue of Bengal was quadrupled. The question naturally rises as to how this huge increase of revenue was brought about. The answer is that it was mainly by forcing up the sources of the growing revenue such as Excise, Stamps, etc., year after year. Now the main features of the Resolution of the Government of India of May of last year are (1) the replacement of Government of India's cash assignments to Local Governments by making over sources of growing revenues to the latter, (2) making of the existing quasi-settlements permanent. Now there would be no objection to this arrangement if the sources of growing revenue placed at the disposal of Local Governments were to grow for ever. But this can never be. On the other hand most of the sources of revenue have already been almost tapped dry. Hence we are justified in doubting whether the Local Governments will gain or lose by such commutation of the cash assignments to growing revenues which are bound to shrink in due course and must ultimately reach the utmost limit of their goal. In the present budget the financial relations between the Central and Local Governments have been regulated in the light of the resolution referred to above. Hence I would respectfully urge upon the Government the desirability of reconsidering this complex question of financial relationship between the Central and Local Governments in all its entirety.

"Sir, I now pass on to general questions. At the outset I must express my deep gratitude to Government for their large-hearted and munificent educational policy. India is by far one of the most backward countries in the matter of education. And to my mind England can only fulfil her noble mission here by spreading education broadcast in the land. Comparatively speaking we Musalmans are very backward, and personally I plead that in the matter the Musalmans are entitled to a preferential treatment which I am sure no enlightened and broadminded Hindu would begrudge us. For they must remember that our educational advancement is equally to their interest. I am sure, you will be astonished, Sir, when I tell you that taking a single district like Mymensing, there are not more than 23 High English schools in an area which is nearly equal to that of Ireland, and of these only two are under Mussalman management. Apart from the question of giving freely grants-in-aid so that schools might multiply, Inspectors of Schools specially in the Dacca division might be advised with advantage not to put unnecessary obstacles in the way of the few schools that are started by private enterprise from receiving affiliation from the University. In my budget speech of 1910, I had the pleasure of congratulating Government for having recommended to Local Governments the advisability, in the interest of higher education, of affording substantial help for the raising of second-grade colleges to first grade, and I referred particularly to the Chittagong College. This year I would refer similarly to the Ananda Mohun College in Mymensing, and while expressing gratitude to Government for having already promised a considerable amount of help with regard to it, a little more is needed to bring about the desired end. If the Government of India consider the question of commending to Local Governments the advisability of raising second-grade colleges to first grade whenever possible, the desired consummation with regard to the Ananda Mohun College will easily be brought about.

"I now turn to Muslem female education. It is a matter greatly to be deplored that there are hardly any Muslim Girls' schools in any of the Provincial capitals of India. Taking the case of Calcutta, we find that there is one small Girls' School called the Shahkawat Memorial Girls' school, and this too has been started only recently through the liberality and devotedness of a single lady. In my opinion there should be Government aided and Government controlled first class Modern Girls' schools in every important centre throughout India, and Local Governments should be commended accordingly.

"We are deeply grateful to the Government of India and the Hon'ble the Finance Minister for the money which he has provided for the Dacca University in the present budget. But I would respectfully and earnestly point out that a great deal more will be required before it can be made into a Cambridge or Oxford of East Bengal.

"I cannot conclude my remarks without expressing my personal obligations, and on behalf of the entire Mussalman community our deep gratitude to His Excellency the Viceroy and the Government of India for granting leave to Musalman employés of the Government of India to say their Jum'a prayers as well as for commending to Local Governments the desirability of granting the same privilege. For this single act on the part of His Excellency the Viceroy and the Government of

India Mussalmans regard His Excellency Lord Hardinge as a great benefactor. We are also thankful to the Government of India for having accepted the resolution which was chiefly with regard to Mussalman holidays, and I would respectfully urge the Government to send their recommendation embodying the principle of the Irreducible Minimum of Four Mussalman Religious days to the Local Governments concerned as early as possible so that due effect may be given to it without delay.

"In conclusion, I feel that I must give vent to what is uppermost in my mind. For four years out of five of the official career of the Hon'ble Finance Minister in this country, I have had the honour of being associated with him as a colleague in this Council, and I desire to give expression to the great admiration and the very high regard in which I have held him, in which, I am sure, we all hold him. Sir Guy Fleetwood Wilson came to us with his mind saturated with the best traditions of English public life, and his presence in this Council in its infant stage has been of incalculable benefit. His high-minded courtesy, his delightful suavity of manners, his warm sympathies, his sturdy independence of character, his deep devotion to the truest and the best interests of India have all earned for him an abiding place in our hearts.

"Sir, when the Hon'ble Sir Guy Fleetwood Wilson took up the portfolio of Finance, he found India in adversity and at the end of his five years' period he is leaving her in financial prosperity with the solemn assurance that should financial trouble come on India, she would be prepared to meet it,—*'India burn dis'*. In pathetic terms he told us on that day that this was his last budget, and this day would practically be the last day of his career in India. Man proposes but God disposes, and we still hope that Providence may yet keep him amongst us and give us and India the benefit of his labours for a further term. But should that not come to pass and the best of friends have to part, we hope that when he is far away from these shores like so many friends who have gone before, with him Sir, it will not be the case of *'Longum dapkis oculi terrum dal cursu'*."

The Hon'ble MAUNG MYE:—"Sir, to-day being the closing day of the year, I do not wish to pass it without some expression of my gratitude on behalf of my Province, to the Imperial Government for the grant of 30 lakhs for road communications.

"Although very far short of fulfilling actual requirements, it is still a welcome start for an undeveloped and backward Province like Burma.

"According to calculations made by experts, she requires a little more than ten times that amount to equip herself with the necessary road communications, but she is content and grateful with what she has received.

"Burma is not asking for more for she knows now, since the Government of India recognizes her urgent wants, she can wait and hope that, whenever the financial situation permits in the future years, the Government of India will not forget that Burma has a strong claim on the Imperial exchequer for further grants."

The Hon'ble Mr FENTON :—"Sir, my friend and colleague, the Hon'ble and gallant Captain on my left has formulated so many suggestions, for the better Government of India in general and the Punjab in particular, that it is perhaps unnecessary for me to occupy the time of the Council for many minutes.

"I do not propose to indulge in what the Hon'ble Finance Member calls patriotic pleadings. It is true that, three years ago, speaking on behalf of the finances of my Province, I had the temerity to ask for more. Well, Sir, we have got more. The financial position of the Punjab is now thoroughly well-established. But I do not think the Hon'ble the Finance Minister does himself justice when he attributes to time alone the improvement which has taken place. He has, in fact, jogged the elbow of time. That is to say, the Government of India have very wisely decided to accept the claim of the Local Government to have a portion at least of our large fixed assignments converted into shares of growing revenue. Half the income under the land-revenue head and the net income from irrigation have been provincialised. Nor in attributing the amelioration that has taken place to time, and to time alone, has justice been done to the head of our Local Government who, both by his convincing presentation of the case for the reform which I have mentioned, and by his watchful supervision over our revenue and spending departments has very materially contributed to our present happy position? In view, therefore, of this present happy position, it is not necessary for me to plead, as I did three years ago, the cause of the provincial lamb. Our own particular provincial lamb has now grown up into a sheep,—a fine, fat, well-conditioned sheep. Judging from the distribution of the Imperial surplus which has taken place, it is not perhaps the most favoured sheep of the flock. Indeed I am not sure that Sir Guy Fleetwood Wilson and some of his colleagues do not still regard it as a black sheep. But if the Hon'ble Finance Member now approaches us and asks in the words of that well-known nursery rhyme 'Baa! baa! black sheep have you any wool?' the answer which will be given to him with complete assurance and satisfaction will be 'Yes Sir, Yes Sir, three bags full!' We have one bag for the master, that is to say for the Finance Minister himself. The Government of India derive from the Punjab Province a contribution to the Imperial exchequer which is substantial and important, and will be still more substantial and important in future. We have also got a bag for Sir Lois Dane. The Punjab has at last come into some of its own. And, Sir, we have a third bag, a third bag for 'the little boy who lives up the lane!'

"And who is the little boy, and why does he live up the lane? We are all familiar with the *chhota sahib*, the Assistant Collector, the Assistant Commissioner; sometimes he is a heavy headed 'Joint.' He is little in pay, little in prospects and little in position. But he is not little in years. He is running well on to 40 sometimes; and—he 'lives up the lane'. And why does he live up the lane? Because he cannot afford to live in any more respectable locality. Rents have gone up, prices have gone up, wages have gone up, steamer fares have gone up, the cost of living in every direction has gone up, and he really cannot afford to make both ends meet. Bitterly must many a *chhota sahib* regret,—many a one who once had an opportunity of choosing the Home Civil Service,—bitterly must he regret that he did not exercise his choice in that direction; for then perhaps—you never can tell—he might have aspired to be now occupying an honourable seat on one of the front benches opposite. But, it may be asked, what connection has all this with the budget? That brings me to the third bag of wool. We have got that bag, and it only requires the permission of Government to give it over to 'the little boy who lives up the lane'. Sir, the Government of India also have wool, lots of it, and I would here put in an earnest plea that they do not part with it too readily; that they keep it in reserve

for the moment. Nothing that has taken place since the commencement of this Sessions, has, I believe, given more satisfaction to the rank and file of the Indian Civil Service than the words which dropped from your lips, Sir, in the course of the debate on the Hon'ble Mr. Gokhale's motion, in which you admitted the need for making provision to carry into effect the possible recommendations of the Public Services Commission. It would of course be presumptuous to indulge in any definite forecast as to what those recommendations will be, but it is permissible to build up hopes on the justice of our case. It is permissible to urge upon those who will have the responsibility of giving effect to any measures, which the Public Services Commission may recommend look ahead and to maintain an adequate reserve so that when the time does come to give effect to these measures, their adoption will not be frustrated by any lack of provision in the Finance Department.

"Those Members of this Council who so recently have been giving so much study and attention to the question of Company law, are no doubt familiar with that bright and humane side of Company finance which so often marks the presentation of a balance-sheet exhibiting exuberant prosperity. There is on such occasions rarely a dissentient voice heard when the Directors propose to grant a bonus to the Staff and recommend that a substantial addition be made to the employes' pension fund. Sir, has not the time come for the Directors of the Empire of India Limited, to take some step towards imitating a commercial practice so just and admirable? Does not the prosperity of the country carry with it some obligation to those under whose administration and by whose efforts it has been largely achieved?"

The Hon'ble NAWAB SAIYID MUHAMMAD:—"It is once again my pleasant duty to congratulate the Finance Member on his excellent budget and his clear and businesslike statement of our financial affairs. Since the expansion of the Council the annual Financial Statements have been watched with deep attention, and have elicited warmest appreciation all over the country. Sir Guy Fleetwood Wilson has introduced several healthy changes in the method of the preparation of our Financial Statement and budget, which, I hope, his successors will loyally follow. Sir, the career of our Finance Minister has been followed by our countrymen with great interest. He has not merely been a Member of the executive Council, but a statesman and a friend of the land he has served so well. I shall merely be voicing the unanimous opinion of our educated countrymen if I tell the Council how anxious they are to approach His Excellency the Viceroy with memorials and by holding public meetings to use his good offices and to retain Sir Guy in the country for a further term however short that may be. We are passing through exceptional times, and we want men of his stamp to guide us.

"Sir, many important aspects of the budget have been so fully discussed in the Committee stage that hardly anything more is left for me to say. A few words, however, about the new capital will not be altogether out of place. I notice that two crores have been provided for the capital expenditure on permanent Delhi, bringing the total to two crores and 17½ lakhs. I also notice that the total cost of the temporary works and the new Cantonment, amounting to about 61 lakhs, have been shown under Revenue Expenditure. Strictly speaking, these 61 lakhs should be charged to the capital cost of the new Imperial city. This is, however, a question for the Auditor General. I beg to draw the attention of the Government to this matter, as already articles have appeared in a section of the Anglo Indian press suggesting that there has been cooking of Delhi accounts. Leaving aside the question of accounts I am bound to say that the Council has not been kept fully informed about the affairs of the new Capital. In fact, we know little or nothing about it, although we know that a new capital is being built for us. The preliminary report to the experts which was placed in the Library of the House of Commons several weeks ago is not available for us even to-day. Since then, so far as I can see from the press, a second report has been submitted to the Government, and on the merits of this document the southern site has been finally fixed. My friend, Sir Gangadhar Rao, has tried his best to elicit some information on the subject of the new Capital, but without avail. We are unaware of the financial effect of abandoning the northern site in favour of the southern. We do not know why the expenditure on sanitation of Delhi should not be charged to the capital account. We are also not aware of the reasons which have led to the cost of the Delhi Railway diversions not being charged to the capital outlay on permanent Delhi. It seems urgently necessary that general estimates should be prepared and discussed before the detailed scheme is fixed. It seems also essential that these estimates should include capital expenditure on old as well as on new Delhi in the matter of such paramount importance as the building of a new capital. I am inclined to think, Sir, that the non-official members of Council should have been taken into the fullest confidence and allowed all possible opportunities to co-operate with the Government. This, I regret to say, has not been done. I now hope, Sir, that it will be possible for the Government to place all available information at the disposal of the Council."

The Hon'ble Sri RAMA RAJA OF PANAGALLU:—"Sir, I join the other Hon'ble Members in their congratulations to the Hon'ble Sir Guy Fleetwood Wilson on the budget under discussion. I only regret it should be his last, but I have every hope his advanced policy will continue to be followed in the department which he has administered with such conspicuous ability, and that larger grants will be annually made for agriculture irrigation, education and sanitation. He leaves India with profound sorrow. Perhaps the assurance will be some consolation to him that we Indians are as deeply moved at his retirement, and that he carries with him a nation's good-will and admiration.

"Sir, the absence of His Excellency the Viceroy from the budget meeting must be painful to all, but we earnestly hope that the All Merciful God will give him strength to resume his duties shortly and to gladden us by his sympathetic rule during the full term of his high office.

"Sir, the budget does not call for much comment. The operations of the year about to end have given us a large surplus, and the next year's estimates are normal. One might perhaps wonder why an unusually large allotment has been made in 1913-14 for railway construction when the Hon'ble Finance Minister himself is sceptic about the utility of railways as a commercial asset. The Memorandum however, supplies the explanation. The whole of the money is required for the maintenance of open lines and the completion of lines under construction. But one thought would occur to all in these circumstances. If such a large amount as Rs. 19,18,09,000 be required in one year for the first of these purposes, railway expansion must have reached a stage when it built would be not only desirable but necessary in the interests of the taxpayer. A pronouncement of Government policy on this subject from the Hon'ble Sir Guy Fleetwood Wilson will be welcome to the Indian public.

"Sir, in my opinion, and I share that opinion with many others, greater concentration of our energy on the development of feeder lines, or what are known as light railways, at least for some years to come, will be a wiser policy. Of course they are the concern of Local Governments, but advice from the Government of India will accelerate their progress. These light railways do good to the country in a variety of ways, not the least of which is by providing a sound investment to the poorer classes for the remunerative employment of their capital. With adequate guarantee the whole of the capital can be, and should be raised from the people. The guarantee of the Provincial Government will have a decidedly more active effect than a District Board guarantee. It will inspire greater confidence among timid capitalists, as these poorer Indians are.

"Sir, to a representative of Madras the statement in the Memorandum that in 1913-14 'provision has been made for large grants to Local Boards for roads, bridges and protected water in rural areas' has a profound interest. I am glad this need of the Madras Presidency has attracted the notice of this Government. It would be still more gratifying if the Local Government be advised to make the outlying places of pilgrimage easily accessible by the construction of roads and bridges, before applying the funds elsewhere. Huge crowds visit most of these places and at many places, Kalahasti for instance, the pilgrims suffer a great deal from the absence of bridges. The Local Government will no doubt settle the detailed programme of works, but this Government may with advantage indicate it as a general policy that places of pilgrimage should have the first claim upon the consideration of Government in this matter.

"Sir, a bolder and more liberal policy in regard to the improvement of agriculture is called for by the increasing pressure upon land and the necessity of rapid improvement in agricultural methods. The importance of agriculture cannot be exaggerated. Agriculture has hitherto been, and still is, by far the most important industry in the world, and I have no doubt it will continue to be so hereafter. Even if to day we are in a position to synthesise our food from free elements, we cannot dispense with agriculture. For it is no less a means of disposing of the dead and effete matter than it is a process of producing life-promoting stuff. In India it is the main industry of the people and supports directly or indirectly about eighty per cent of the population. And yet the condition of Indian agriculture is not what it should be. There is ever increasing foreign competition. Crop after crop is being threatened. German artificial blue dye has almost put a stop to the cultivation of indigo in this country. Java sugar is a standing menace to the indigenous cane cultivation. If these things continue, the Indian peasant will ere long have to be out of employment. The problem of agriculture therefore, demands the most careful attention of the State. I do not deny that Government is alive to the importance of agricultural improvements, and is trying to effect it in various ways. The third report on the 'Introduction of Improvements into Indian Agriculture' contains interesting information regarding official activity in this important direction. I would, however, suggest the nationalisation of agricultural education by giving elementary agricultural training a recognised place in our primary schools as in Japan and some of the agriculturally advanced countries of the west. I do not apprehend any serious difficulty in the inclusion of a rudimentary agricultural syllabus in the course of study at these primary schools. But with a view to popularise agricultural knowledge, to disarm opposition and to make a cautious advance, an agricultural section may for the present be added to the village primary school, admission to which should be optional. Without therefore launching upon a scheme of primary agricultural schools, the desired facilities for special training may in this way be provided in the general elementary schools at a small cost. In paragraph 36 of the Education Resolution of the Government of India, dated 21st February 1913, it is noted:—

'In the ordinary elementary schools formal agriculture is not taught; but in some provinces a markedly agricultural colour is given to the general scheme of education.'

"I submit this is not enough. A more comprehensive scheme of agricultural education is clearly required, but, on the 17th of February last, in reply to my question on the subject, Sir, you said:—

'The Government of India are not aware . . . . . of any likelihood of such schools (of agriculture of a strictly elementary character) being brought into existence in the near future.'

"This being the position, to suit present conditions the scope of ordinary primary education may be extended in either of the two ways suggested above. Meanwhile, the progress of the vernacular boarding school for sons of substantial cultivators, village *patils* and small landowners, experimentally established of late at Bombay, should be watched.

"Sir, agricultural improvement is intimately associated with, and is to a large extent dependent upon, judicious settlements of land revenue. Left to themselves, the tenants can do little to introduce improved methods. They have not got capital, and the only capitalist in the village who has a substantial interest in such improvements is the landlord. Capital must for years to come at least, be supplied by him. Co-operative credit societies may in time free the agriculturist from his dependence upon the *sowcar*, but the co-operative movement is new in India, and it will be enough if it helps the villager now to get money at a reasonable rate of interest for his pressing ordinary needs. For the application of the co-operative principle to production and agricultural improvement, we must wait long. State landlordism and fixed cultivation which might ultimately result in improved agriculture, cannot succeed in a country like India. Even in Java, where they have been tried, they were attended with signal failure. It is necessary that the landlord should have sufficient incentive to undertake large agricultural improvements. And the first effective condition, to my mind, is the introduction of long-term settlements. Unless he is secured in the enjoyment of the profits of his investment for a reasonably long period no landlord would care to carry out improvements on his estate at his own cost. The period of settlements now varies in different parts of the country, and is generally much below the thirty years' limit fixed by the Secretary of State. A more uniform approximation to this maximum at least is an exigent necessity.

"Sir the poor tiller of the soil has at least the comfort to know that he is the object of much philanthropic concern, but in India we have a still lower social stratum in which the members are denied the ordinary rights of humanity. The depressed classes are untouchables; they receive from the higher classes a treatment which is shocking to civilised nations; their very presence is abomination and their breath pollution. They are allowed to wallow in ignorance, barbarism and degradation. They are condemned to a low life of utter wretchedness. They are forced to lag behind in the race for advancement. The Indian nation with its progress limited to a particular section is like a tree with its branches expanding in one direction. Its equilibrium is unstable and it is ever exposed to danger. Sir, the uplifting of these classes is not only a problem which ought to be grappled with spirit by social reformers, but also one which from its

economic effects deserves the serious consideration of Government. The depressed classes form a large proportion of the total population. Government can and should do something for the amelioration of their hard lot, by appointing them, wherever convenient, at least as menial servants in public offices, by settling them as peasant proprietors on lands reclaimed by irrigation, by inducing them to apply themselves to cottage industries, by encouraging missionary societies to form special settlements for them and by unfolding before them an altogether new and nobler perspective of life and life's work. A beginning can be made by the reservation of a portion of reclaimed lands for them at the public auctions and by either remitting the price of the lands so reserved or by recovering it from them by easy instalments. I expect important results from these measures. Their appointment, be it in the lowest rungs, in public offices will necessarily bring them into contact with the higher classes and a higher order of society and will revolutionise their ideas about living, exciting in them an earnest desire for betterment by education. Their position as peasant proprietor will give them a recognised status in village communities. But the Hon'ble Home Member's reply to my question on the subject was not as encouraging as it should be. In the name of humanity I appeal to Government to formulate a scheme for humanising the *pariah*, if necessary, after proper investigation by a small committee. In this noble work Government will have the hearty and loyal co-operation of all right-thinking men.

"Another matter, Sir, which I would like to draw the attention of Government to is the admission into the commissioned ranks of the Indian Army after preliminary training of the scions of ancient families who now in many cases live in dangerous idleness. It will be a wise act of statesmanship to reclaim and employ them in the King's army and convert them into loyal and devoted supporters of Government. Years ago, under the sympathetic inspiration of His Royal Highness the Duke of Connaught, a proposal was in the air that a military college should be established in India on the model of that at Sandhurst for the training of respectable Indians with a view to their appointment to the commissioned ranks of the army; but somehow nothing practical resulted. The Indian Feudatory Chiefs have since then formed the Imperial Service Corps. But nothing has been done for the aristocracy of British India. The time has come when Government should take this question of military training and appointment of deserving Indians into their serious consideration.

"Sir, I cannot conclude without some reference to a reform, which is of paramount interest to us and which with years is becoming more and more pressing, but in regard to which this Government can only submit a proper representation to the authorities in England. With the reconstitution of the Legislature Councils on a popular basis, the people must make their voice heard in England through this Council. For more than a quarter of a century educated India has been agitating on the platform and the press for a thorough overhaul of the Council of the Secretary of State for India. We are grateful to Government for reforming it to some extent by the appointment to it of two Indian members for advising the Right Hon'ble the Secretary of State on all matters connected with the administration of India from the Indian standpoint. This is a great step forward. But it is desirable that something more should be done. I do not feel myself free on this occasion to undertake a detailed examination of the lines on which the Council should be reconstituted, but I beg leave to place before Government the growing desire of the people of this country for a more radical and comprehensive reform of the India Council, with the object that the Secretary of State may be formally informed of the existence of such a feeling among Indians."

The Hon'ble Khan Bahadur MIR ASAD ALI:—"Sir, regretable as is the absence to-day of His Excellency the Viceroy, I rejoice that His Excellency has been restored to sound health.

"It is now my pleasant duty Sir, to congratulate the Hon'ble Finance Minister and the Government on the satisfactory and successful Budget placed before the Council. During his regime as Finance Minister, Sir Guy Fleetwood Wilson has been able to present prosperity Budgets, and the Financial Statement for 1913-14 leaves little room for criticism. Not only does it record a large surplus of about three and a half million pounds, twice as much as was estimated at the last Budget, but shows signs of increasing expenditure on objects of public utility. When Sir Guy Fleetwood Wilson first assumed control of our finances, he had the misfortune to face a large deficit of about £3½ millions. But he leaves to his successor an estimated surplus of about £1½ millions. On the eve of his retirement Sir Guy carries with him the sincere goodwill of his colleagues, and their high appreciation for service rendered to the Government of India.

"The needs of India to-day, Sir, are mainly educational, and I am happy to find that the Government of India has sufficiently recognised them, and provided large sums of money, especially for mass education. It is a matter for deep rejoicing that Government have committed themselves to a policy of extending truly popular education. The recent liberal policy pursued by Government has placed Indians under a debt of gratitude to the Government of India. Large as have been the recent grants made to education, they are not, and cannot be for some years to come, adequate to the growing needs of the country. Government ought, therefore, to be able to provide enough funds in the near future for the successful development of an extensive scheme of free elementary education. With increasing functions of Government in modern times it becomes the duty of the State to break down the general illiteracy of the large Indian population, ameliorate the condition of the poor and uplift morally and socially the so-called 'untouchables.'

"Sir, the present Budget proposes to spend on education a large sum of over six crores of rupees, a remarkable increase of nearly 2½ crores over the expenditure in the previous year.

"It is to be earnestly hoped that Local Governments will make vigorous efforts to utilise the sums placed at their disposal by carrying out such a definite programme of educational reforms without needless delay. In this connection, Sir, I feel it is my duty to express for myself and on behalf of my community deep thankfulness to the Hon'ble Member in charge of Education and Government for the following words of hope:—

'The Government of India are about to address Local Governments on the question of encouraging Mahomedan education generally, but they do not desire to delay any existing schemes, and they have no doubt that Local Governments, in distributing grants, will make provision for special Mahomedan institutions.'

"Attention, Sir, has to be paid to the development of Commercial schools for Mahomedans. Mahomedans have greater inclination as well as aptitude for trade and commerce than their Hindu brethren. In Madras we have only three industrial schools for Mahomedans—two for boys and one, an embroidery school, for girls. More such schools are needed in large Mahomedan centres, such as Malabar, North Arcot, Tinnevelly and the Ceded Districts.

"Considering the importance of high liberal education, I urge on Government the desirability of increasing the number of Government scholarships awarded to brilliant Indian students for prosecuting their studies in foreign countries. At least half a dozen annual scholarships should be instituted in each of the major provinces. Government scholars on their return home have distinguished themselves in various walks of life. In this scheme of scholarships the claims of deserving and competent Mahomedan youths, few as they are, should be recognised, especially in Madras.

"In his Financial Statement the Hon'ble Finance Minister referred to 'a shadow on the financial sunshine.' In view, therefore, to the probable diminution of our opium revenue in the immediate future, means have to be devised for meeting the financial crisis. We need more and more revenue to meet our growing wants. Some of our customs duties on imported articles may have to be raised, or by some other means an additional revenue has to be raised. At the same time regard must be had to the fact that no new taxation should prove burdensome to the Indian taxpayer."

The Hon'ble Rai Sri Ram Bahadur:—"Mr. President, the Hon'ble the Finance Member, is to be heartily congratulated for presenting a Budget having many pleasant features. In India it seldom falls to the lot of a Finance Minister to present three successive Budgets of prosperity. The Hon'ble Sir Guy Fleetwood Wilson has, by his successful handling of the finances of the Empire, succeeded in performing this admirable task. Starting with a deficit of no less than three three-quarter millions sterling in 1908–09, he closes the year 1912–13 with a very large surplus. It is also gratifying to note that he has made the best use of this surplus. There could have been no more judicious distribution of it than done by him. The bulk of this money will be spent on measures which are sure to secure a steady progress in Education and in Sanitation. A sum of two and half crores has been allotted for non-recurring expenditure on the former head and one and half crores on the latter. This proper application of the bulk of the surplus to the two most deserving objects is sure to meet with universal approbation.

"The year which is about to close has very appropriately been characterized by the Hon'ble the Finance Member as one of prosperity and plenty. Opium and railways are the two principal heads of revenue which have contributed so largely to swell the Imperial revenues. Opium sales gave much larger sums than anticipated. Improvement in trade increased to a very considerable extent receipts from railways than were provided for in the Budget. These two sources combined have given no less than five millions over and above the estimated amount.

"The swelled receipts from opium cannot be looked upon otherwise than windfalls; nor can much reliance be placed on railways for giving increased incomes constantly. A question requiring the most thoughtful consideration arises regarding these two sources of revenue. The following statement will show the annual receipts from opium for the last ten years, from 1902–03 to 1911–12:—

	Rs.
1902–03	6,74,79,675
1903–04	3,80,49,676
1904–05	9,05,22,491
1905–06	8,20,31,694
1906–07	8,18,07,922
1907–08	7,80,74,780
1908–09	8,85,71,824
1909–10	8,30,20,245
1910–11	11,28,25,433
1911–12	8,94,19,170

"The revised figures for the current year, i.e., 1912–13 are Rs. 7,67,18,000. The estimated income for 1913–14 entered in the Budget is Rs. 2,13,75,000 only.

"The period fixed for the cessation of opium trade with China is drawing close. It will end within four years or so. The much lower figure of estimated income for the next year, as compared with that of the year which is now passing, as well as the figures for the preceding ten years given above, show what a substantial loss the Indian finances are going to suffer from the stoppage of opium trade with China.

"We have been told by the Hon'ble the Finance Member that the Chinese Government are enforcing anti-opium measures with steadiness. They are carrying out the campaign against poppy cultivation as well as against opium consumption with great vigour. The day, therefore, is not far off when opium revenue will become a thing of the past.

"The next item is Railways. No doubt Railways have contributed in recent years very large sums to the Indian Exchequer, but this rise in the Railway receipts has been since a short time only. As recently as 1908–09 Indian Railways were worked at a net loss to the Government. Looked from a financial point of view the return from the capital spent on Railways gives a narrow margin. The Hon'ble the Finance Member tells us that this return was only 4·48 per cent. in 1909–10 4·86 per cent. in 1910–11, and 4·96 per cent. in 1911–12, and that there is very narrow margin between the rate of profit given by railway capital expenditure and the rate of interest amounting to about 4 per cent. which the Government of India has to pay on the same borrowed in London markets.

"In these circumstances it is not safe to rely upon railways for surpluses. Income arising from them cannot be treated as a stable asset. Experience of the past fully justifies this position. Recent experience also leads to the same conclusion. The Hon'ble the Finance Member had [illegible] reduce his estimate of railway earnings given in the Financial Statement made on the 1st instant by £100,000 in the final Budget presented on the 20th instant. He tells us that this is due to a distinct falling-off in recent weeks in railway earnings and chiefly on North-Western Railway. Does not this afford a very good illustration of the instability of railway revenue?

"The total cessation of the opium revenue is sure to exercise a very great disturbing influence on the Indian finances. The time, therefore, in my opinion, has come to consider what steps should be taken to meet this contingency. Direct taxation being already heavy, the imposing of any fresh taxes is sure to meet with general disapproval. I would therefore, take the liberty of suggesting that the Government will be pleased to appoint a committee consisting of official and non-official members of this Council who should go into the question thoroughly and submit a report as to the means to be adopted to meet the financial difficulties which are sure to face us in the very near future.

"The cost of the construction of the new Imperial Capital at Delhi is another important factor which is certain to affect the Indian finances in the coming years. In his speech made at the time of presenting Financial Statement last year, the Hon'ble the Finance Member was pleased to say that out of the three possible alternatives, described by him for financing the building of the new Capital, the most suitable one was to place these works on the same footing as railways and irrigation works, treating them as Capital expenditure and meeting them partly from loans and partly from the amount that may be spared out of the general revenues after meeting the ordinary administrative needs. He was further pleased to say that this course had been adopted with the full approval of the Secretary of State for India. But in my opinion the adoption of this course may result in one great disadvantage. It may lead to the contraction of the non-recurring grants required in future years for carrying out the educational policy of the Government to its full extent and for measures necessary for further improvement of sanitation. Such a state of things is most probable in years of straitened circumstances. These two are the most important heads on which large increase in expenditure is required in future years, and the bulk of the surpluses ought to be devoted to the furtherance of these two objects. The cost of the new Imperial City for these reasons ought to be met from loans alone. It is but just that not only the present generation but the future ones also ought to bear the burden of a portion of the cost of building the new Imperial Capital, in the shape of interest which will have to be paid on the loans raised for the purpose.

"As I have said before, the utilization of the bulk of the surplus for education and sanitation is the most gratifying feature of the Budget. The bulk of the opium surplus of the current year and also of the surplus of ordinary revenue has very judiciously been allotted as non-recurring grants for the promotion of education. A recurring grant also of 55 lakhs of rupees has been made for promoting education in its different branches. These allotments will no doubt remove a number of pressing wants and furnish means for securing steady progress in the future.

"When moving a Resolution for the increase of recurring expenditure on Education for the United Provinces I pressed before this Council the immediate requirements of those provinces. That the provinces require a special treatment at the hands of the Central Government with respect to sums to be spent on Education will be made more clear from the following facts. At the census of 1901 there were 6,286,409 boys of between 5 and 15 years of age of whom only 180,306 were literate, the rate of literacy thus being 2·86 per cent. At the census of 1911 there were 6,379,918 boys of similar age, of whom 232,162 only were literate, giving a rate of 3·67 per cent. A much more regrettable condition is shown in the case of girls. In the census of 1901 the number of girls between the ages of 5 and 15 was 5,859,839 of whom only 11,404 were literate. At the census of 1911, their number was 5,805,089 of whom only 26,102 were literate. These figures show that the progress of education in the United Provinces has been very slow in the last decade in comparison with other provinces. No efficiency or real progress can be expected in the national life of a people whose educational condition is so backward. To remove illiteracy is one of the noble missions of the British Government. The people of the United Provinces are grateful to the Government for the great activity shown during the last few years in advancing education amongst them and in spending larger sums for the attainment of that object. The additional grant of 46¾ lakhs for non-recurring expenditure and the assignment of 9·38 lakhs more for recurring expenditure entered in the Budget will no doubt help them a great deal in the advancement of education. But for securing a steady and marked progress a still higher sum, both in the shape of recurring and non-recurring grants, is required in the coming years.

"Sanitation is another head which has received a very large share of the surplus. The Government has of late fully realized the importance of sanitation. But ie is since the establishment of the Department of Education that activities are being shown in every branch. In the Budget a sum of Rs. 150 lakhs is allotted for non-recurring expenditure and 36½ lakhs for recurring. The share of the United Provinces under both these classes of expenditure is 27½ lakhs and 9 lakhs, respectively. But the whole amount of 27½ lakhs is earmarked to be spent on urban sanitation. As regards rural sanitation it is left to the Local Government to devote a portion of the cesses which are to be set free for the improvement of water-supply, for anti-malarial measures, for the protection of grain stores in plague affected areas and for general sanitation of villages and small towns. It is a matter of regret that the Central Government did not see their way to allot a definite sum out of the surplus to be spent on rural sanitation. Sir, United Provinces deserve special consideration for the improvement of their sanitation both in urban and rural areas. This proposition cannot have a more telling support than from the high rate of mortality shown by the Census figures of 1911. Of the major provinces, the United Provinces and the Punjab occupy the unenviable distinction of showing a decrease in their population instead of the usual increase which is generally found out only in India but in other countries also. The decrease in the United Provinces population is to the extent of 510,233. I give below a table giving the increases and decreases in the principal Indian provinces in the last Census as compared with the previous one:—

Name of Province	Population according to the Census of 1911.	Population according to the Census of 1901.	Increase or decrease.
Burma	12,115,317	10,490,624	1,624,693 (Increase).
Eastern Bengal and Assam	34,045,027	30,510,844	3,508,183 "
Bengal	52,515,240	50,715,794	1,949,476 "
United Provinces and Oudh	47,182,044	47,592,277	510,233 (Decrease).
Punjab	19,974,266	20,330,337	356,381 "
Bombay	19,471,542	18,559,650	1,112,902 (Increase).
Central Provinces and Berar	13,916,308	11,271,152	1,644,856 "
Madras	41,406,404	38,229,654	3,176,750 "

"The people residing in towns and cities can have their voice heard and get sanitary improvements but the voiceless millions living in the rural areas have no such means. The mortality from plague, cholera, malaria and other diseases is very high in the rural areas. It is obvious that the amount to

be spent on the improvement of rural sanitation ought to be much higher than required for cities and towns. I hope that in the next Budget a special allotment will be made both on the recurring and non-recurring side for improvement in rural sanitation.

"The appointment of a Committee under the Chairmanship of the Hon'ble Major Robertson, Sanitary Commissioner with the Government of India, consisting of official and non-official members who are to visit places of pilgrimage and submit a report for the improvement of sanitation of these places is a very important measure and shows the solicitude of the Government to take measures for the benefit of the health of the millions of pilgrims who resort to the sacred places. It is hoped that the report submitted to the Government will contain a complete scheme for the improvement of water-supply, lodging house and general sanitation and that the Government will lose no time and spare no costs in effecting improvements in this direction.

"It is needless to say that since the creation of the Department of Education a new life has been infused into the Educational policy of the country. The programme indicated in the resolution of the 21th February 1913 when fully carried out will place all branches of Education on a sure and sound footing and will confer on the people of India the full benefits of Education given on western lines.

"Another topic of general interest on which I beg to offer a few remarks is railways. When the Railway Board was created in Lord Curzon's time the travelling public looked forward to get greater comfort and better convenience in their railway journeys. It must be owned that much has been done in this direction. But the insufficiency of the rolling stock, especially of coaching vehicles, is still a matter of general complaint. I know at least of one line that when there is a great rush third class passengers are still carried on in long journeys huddled together like inanimate objects in wagons constructed for the transit of goods. The number of wagons for goods traffic is also inadequate. The trading classes are not supplied with them in time for carrying their goods to sea-ports to be taken to foreign countries and much time is lost in this way. The figures given by the Hon'ble Sir T. R. Wynne, in reply to a question of mine, show that while the extension of the mileage in the three State Railways, namely, North Western, Oudh and Rohilkhand and Eastern Bengal Railway, has been 1,135, 424 and 488, respectively, in the decade which ended on the 31st December 1912, the number of passenger carriages added to the rolling stock during the same period has been 423, 107 and 226 only, and the number of goods wagons newly built has been 11,887, 1,622 and 4,125, respectively, on the above named three State-owned railways. These figures show that while the number of goods wagons has increased to a large extent the increase in the number of passenger vehicles has not been in proportion to the additional miles newly opened for traffic. This is the condition of things on the lines owned and worked by the Government. As railways are now one of the most paying sources of revenue the comfort of the passengers, specially of the third class who contribute by far to the income, must be the first care. The exporters of goods also must get greater facilities for despatching their articles with the minimum possible loss of time. I hope that in the next year's Budget a more liberal provision will be made for building new vehicles of both kinds.

"Before I conclude there is one matter regarding which I ask your permission to make a few remarks. The Hon'ble Sir Guy Fleetwood Wilson has told us that the Budget now under discussion is the last which he has presented to this Council. The manner in which he has dealt with the finances of the Indian Empire, the objects on which he has devoted the large surpluses, and last though not the least, the sympathetic care which he has shown and the action which he has taken on measures beneficial to the public have earned for him the gratitude of the Indian people, and our earnest wish is that his profession will remain unfulfilled. India will still get the benefit of his services for some time longer, and this will not be his last Budget."

The Hon'ble Maharaja Ranajit Sinha of Nashipur:—"Sir, at the outset permit me to express our joy at the recovery of His Excellency the Viceroy, and we hope that, in a very short time, he will be as strong as before, and we shall have the privilege of seeing him presiding at our deliberations at the next Session.

"Sir, permit me also to offer my best congratulations to the Hon'ble Finance Minister for the satisfactory and prosperous Budget he has laid before the Council. Five years ago when he took charge of his portfolio the finances were in great disorder, and by his ability he has been able to bring them round to their present condition. Sir, I think he is right in not reducing any taxation by depending upon the prosperous Budget, but if in future years we find that our prosperity continues, I think the question of reducing taxation ought then to arise. After the Burma war during the time of Lord Dufferin, when the income-tax had to be imposed, it was considered to be a temporary tax; but, Sir, a long time has elapsed and nothing has been done except giving some relief to certain persons, that is, persons whose income is below Rs. 1,000 a year. In these hard days of living, Sir, I think from the highest to the lowest every one feels this tax, and I hope a time will come when we shall either see this tax abolished, or if that cannot be done, some further relief will be given in that aspect.

"The Government has already reduced the tax on salt, and I hope that in the near future we shall see this tax abolished.

"We are grateful to the Government for the Educational Policy which was published in the *Gazette of India* recently. With reference to primary education, the Government is not satisfied with the increase of schools only, but has also given attention to the matter of efficiency which is the most important thing. I am afraid even on Rs. 12 a month trained teachers will not be available for primary schools. However, the beginning is a good one, and we should wait for the results. The Education Department, as a whole, is not very well paid. I think the teachers of the High Schools as also the Professors of the Colleges should be so well paid that they may be able to devote their whole time and energy to the good of the institutions in which they are engaged.

"We are grateful to the Government for the advancement of female education in this country. The time has come when our countrymen appreciate and think that there should be a spread of female education. But there is one difficulty in the way. According to the custom prevalent in some parts of India, the girls after they have attained a marriageable age are not allowed to attend schools. So, Sir, I think if some trained lady teachers are appointed to go round to the houses in the interior of the districts to impart education to ladies in the zenana, in a few years there will be real advance in that direction. In some villages Purdanasheen ladies may assemble in the house of a respectable neighbour and the lady teachers might with advantage go there and impart lessons to them.

"We are also grateful to Government for giving over the public works cesses and other similar cesses to the district boards for the improvement of rural water-supply and sanitation. I should like to draw the attention of the Government to one thing. In the interior of the districts there are no dispensaries, and it is not possible for the people who are living there to go to the sudder for medical treatment. In former times the people were accustomed to take Ayurvedic and Unani medicines which were less costly but these systems are fast disappearing. In some provinces, as in Bengal, the Government deputes sub-assistant surgeons to go to the interior of the districts for the distribution of quinine and for treating patients at the time of malarial outbreaks. But, Sir, there are very few districts where there are no diseases all the year round. I have personal experience of Bengal, and from reports I also find that in the United Provinces and the Punjab, malaria has also appeared, plague, cholera, and small-pox break out at almost all seasons; so it is essential that district boards should open small outdoor dispensaries for the treatment of patients, one in each Thana. Residents of the villages can very seldom afford to call doctors, and there are places where there are no doctors at all; so, unless there is a dispensary in the neighbourhood of each village it is impossible for the people to have any medical aid and thousands of them are dying for want of medical relief. When the Government is going to make over these cesses to the district boards, I think they may be enjoined to open dispensaries at least in suitable places in the interior of the districts. Then, Sir, as regards mufassal municipalities, their position is no better than that of the district boards. The grant which the Government has given to the district boards will not go to the municipalities. There are many towns to which the income of the municipality is so limited that they cannot afford to devote much money even to conservancy, and so it is impossible for them to set apart from their income a portion for sanitation, water-supply or drainage. In reply to a question in the Bengal Legislative Council, the Hon'ble Sir William Duke said that there was no scheme before the Government and no one applied to take the money. Is it possible that the municipalities are so negligent of their own condition and that they will not take money when offered to them? The thing is that Government wants to contribute only one-third of the estimated cost of drainage and water-supply, and the municipalities have to meet two thirds, and as a rule it is not possible for a mufassal municipality to afford to pay so much as two-thirds, and so they are reluctant to submit schemes to the Government lest they might be forced to contribute a sum beyond their means. In several municipalities large sums will not be needed and schemes may be pre prepared at a less cost according to their necessities of the place. The Government might then be able to judge how far the municipalities could contribute and then call upon them to pay their share, and the rest might be contributed by the Government as a grant to the municipalities.

"As regards the police, we find that there is a big increase under this head—but from my personal experience I can say that the sub-inspectors in charge of the respective thanas are so much handicapped in submitting reports and returns that they seldom get time for investigating crimes and the result is that in many cases the crimes are left undetected. In my humble opinion a separate investigating officer should be posted at each thana who will devote his whole time to the investigation of cases. Sir, we often hear now-a-days of outrages on the lives and property of passengers travelling by rail, and as our income is to a great extent derived from railways, something should be done for the safety of the passengers. I think that a detective officer should travel with each train in order to watch the doings of persons who assemble on the platforms of stations.

"One thing also as regards court-fees: we derive a good income from our law-courts and so naturally the suitors may claim some relief. The amount of litigation is fast on the increase. In some cases the debtors, not in order to avoid payment, but on account of their poverty cannot pay off their dues to the creditors in time and the creditors also, in order to save limitation have to institute cases. But when the debtor finds that he shall have to pay the entire amount of the court-fees even if he gives an *ex parte* decree or compromises the case, they naturally think that it is to their advantage to prosecute cases. I appeal to the Government that in cases where the court has no trouble, that is in the beginning if cases are decreed *ex parte* or if there be compromise, some portion of the court-fees might be remitted. I understand that in the Calcutta Small Cause Court, half the amount of court-fees is remitted in such cases.

"One word more and I am done. Sir, I beg to convey my grateful thanks to the Government for the accommodation provided for us—non-official members in Delhi. In Delhi, it would have been very difficult for us to get a single house, and so we are particularly grateful for the accommodation provided. We hope that in the near future we shall have better accommodation so that when coming here to perform our business, we may be able to bring our families with us."

The Hon'ble Sir G. M. CHITNAVIS:—"Sir, it is customary for His Excellency the Viceroy to preside at the last meeting of the Session, and his absence to-day is a matter of sorrow to all of us. We are, however, glad that he is convalescent, and I hope when we meet again at Simla we shall have His Excellency among us, full of vigour and his accustomed cheery spirits.

"Sir, the Budget under discussion testifies to the admirable way in which the Hon'ble Sir Guy Fleetwood Wilson has managed our finances. The allotments bear the impress of his sympathy and statesmanship. He has financed education and sanitation, with a liberality which cannot but appeal to us. I sincerely hope, though far away from India,—a country he has loved so well—he will still be able to do her good, and I hope from a higher sphere of action. I associate myself with what has been said of him by the other members, and I assure him that when he leaves he will carry with him the esteem and regard of the whole country.

"Sir, if here I refer at all to the loss of our opium revenue, it is only to emphasise the fact that India still claims adequate compensation for it from the British Exchequer. I am sorry I cannot agree with my friend Mr. Fazulbhoy on this point. I do not discuss the question in detail, as I shall shortly have an occasion to speak at length on it; but the people expect that the Government will be pleased to submit to the Home Government a proper representation on the whole subject.

"Sir, I see that Government has made mention of a University at Nagpur in their recent Educational Resolution, but no provision has been made in 1913-14 for the establishment of that University, and I appeal to Government for an early and favourable decision on this point.

"Sir, as a representative of the Central Provinces, I repeat the prayer that Government will also favourably consider the question of raising our Provincial Government to the status of a Lieutenant-Governorship before long."

"Sir, I am glad that much is being done to extend irrigation in my Province, but I take this opportunity to refer to two other measures which, in my opinion, are absolutely necessary for agricultural India. Agriculture is our principal industry, and long-term settlements of land revenue, for their important bearing and wholesome influence upon its improvement and the material condition of at least four fifths of the people, should be introduced. The existing settlements are not for a sufficiently long period. The view that long-term settlements are injurious to the interests of the community and are profitable only to a particular class, is fallacious. As a matter of fact, both the landlord and the tenant derive equal benefit from such settlements. I am glad mention has been made of this subject by the Hon'ble Sri Rama Raya in his speech to-day.

"Sir, as a check upon too great sub-division of land and the preservation of aristocracy the English law of primogeniture and entail should be extended to India with necessary modifications. Our Mahomedan fellow countrymen have now got, thanks to the benevolent policy of Government, a valid law which can and will ensure them reasonable security against minute sub division of property. The Hindus should also move for a change in their law of succession with a view to attain a similar end. Government obviously cannot undertake such legislation, and a private Member's bill is the only means of effecting the reform; but Government, it is hoped, will be considerate in their treatment of such bill, if prepared. Sir, these are the few words which I wish to contribute to the Budget discussions this day."

The Hon'ble Mr. PANDIT :—"Sir, it is an advantage to many of us that the Hon'ble the Finance Member is not in the chair to-day, for as on a previous occasion he might have ruled out of order most of us who are so genuinely eager to give expression to the sentiments which are uppermost in our minds—sentiments which are correlated to those expressed by the Hon'ble Sir Guy Fleetwood Wilson himself on the 1st of March in the few and simple but touching words with which he concluded the account of his stewardship of the finances of the country during the last five years. Hon'ble Members who have sat in this Council for years have had greater opportunities of appreciating the work and the worth of the Hon'ble the Finance Member, in the advancement of the best interests of this country, and they have in no uncertain terms given expression to their appreciation; and although I—and many other Hon'ble Members like myself—have been in these seats for less than two months, I am happy to be able to associate myself fully with the observations which have been made by the Hon'ble Members as to the admiration which the Hon'ble the Finance Member has won from us and the high regard which we all entertain for him as well as the good wishes he carries in his retirement. With these observations of a personal nature I now turn to the subject upon which the Council is engaged.

"Sir, the Hon'ble the Finance Member has justly received the congratulations of this Council upon the success which has attended his efforts in steering the ship of Indian finance to a safe haven. The surplus from ordinary revenue which he was able to announce is an abundant one, exceeding over 6 millions sterling, while that from opium is about 1½ million pounds, and the manner in which the greater part of the former (over 3 millions) and a third of the latter (£150,000) have been applied to the objects of great utility, in respect of which both Government and the people are agreed, is sure to meet with general approval. In saying so, however, and in expressing our gratitude for the devotion of the surplus to such useful objects, I hope I shall be permitted to make a few observations expressing the desire that the surplus might have been more evenly distributed, over the country, and certain provinces which deserve more consideration at the hands of the Government of India had received their due share. Sir the Hon'ble the Finance Member, in presenting the Financial Statement, said that the Government of India desired to make the provinces partners in their fortune. Whether this partnership be looked upon as one based upon a contract, or whether the Imperial and Provincial Governments be treated as members of a joint and undivided Hindu family owning a business—from whatever point of view it be looked at—I may be permitted to say that partners have not all been treated with equal consideration.

"I refer more particularly to the province which I have the honour to represent in this Council. Sir, the Government of India in their resolution, dated the 21st February last, declaring their Educational Policy have been good enough to announce that with a view to satisfy the aspirations of the people they contemplate the establishment of Universities at Rangoon, Patna and Nagpur. I am, however, surprised and sorry to find that, while Rangoon and Patna have received a grant of 8 lakhs of rupees each from the bountiful surplus at the disposal of the Government of India, Nagpur has been left altogether in the cold. I am free to admit that the progress with regard to the schemes in Patna and Rangoon might be greater or is perhaps greater than it is with regard to Nagpur University. Nevertheless, since the Government were aware of this scheme, and as a year like the present—as the Hon'ble the Finance Member has reminded us—is not likely to come again for some time and so large a margin as in the present year is not likely to be left for distribution of substantial sums of money among the provinces, and, further, as grants have been made in anticipation of future liabilities I should have been glad indeed if the Hon'ble the Education Member—with your permission I would correct myself and say *(to the Chair)*—if you, Sir,—had not circumscribed your view of the needs of the immediate future, but had taken stock of the requirements of a few years beyond it and made a similar provision for a University at Nagpur.

"Sir, while I am on this subject of the distribution of the non-recurring grant of two crores and a half, I should also like to draw the attention of the Council to the keen desire for the establishment of an Arts College in their midst evinced by the people of Berar. As far as I can see in the allotments made under the various heads, there is none for such an institution. I have no authority to speak in this Council on behalf of the people of Berar, but I know that they are eager to have such a college in their Division, and I fully sympathise with them in their aspiration. Berar, Sir, is a rich tract, and, as Rao Bahadur R. N. Mudholkar when he sat in this Council made a point of drawing the attention of the Government to the circumstance, it has been contributing substantially to the resources of the provinces with which its fortunes are at present allied. I should, therefore, have liked the Government of India to have made some provision for this object also.

"Sir, the need for a larger expenditure, recurring and non-recurring, on education in the Central Provinces and Berar—on education, collegiate, secondary and primary—is great and peremptory. It will be remembered that at the September Session of the Council, Mr. Mudholkar put some questions with regard to the pay and prospects of professors in Government colleges who had been recommended

long ago by the Administration of the Central Provinces for such enhancement as were justly entitled to, but owing to the appointment of the Royal Commission on Public Services the question was, I believe, shelved, and I have now only to express the hope that in the light of the answer given by you to one of the questions put a few days ago in this Council, the Local Administration will be in a position to grant such allowances of a permanent nature as have been already granted in other Provinces at least to those members of the Provincial Educational Service who are specially deserving of promotion.

"With regard to secondary education, again, there is a similar demand for the improvement of the position of teachers in high schools. Its satisfaction will stimulate the efforts of those already engaged in the responsible work of the training of youth as well as a better class of men to the calling. The policy of Government of establishing a Government or a model high school, in every district has yet to be carried out in its entirety in the Central Provinces. There are a few districts, Sir, which are eager to have such high schools, and I hope that with the grants which have been made for the secondary education, it may be possible for the Local Administration to comply with the request of these districts in this connection.

"Closely allied to Secondary Education is the subject of the establishment of schools for training young men for *professions* such as Engineering and Medicine. In connection with the Victoria College of Science at Nagpur an Engineering Department is going to be opened. The Victoria Technical Institute cannot accommodate both, and if the work is to be satisfactory a new and suitable building must with considerable outlay, be constructed to hold them together, and adequate funds provided for the maintenance of the institutions. Similarly although the special grant of a lakh and a half made under head 'Medical' for Hospitals, etc., may be drawn upon for the revival of a medical school the need whereof was demonstrated by the difficulty experienced for years in securing the services of Sub-Assistant Surgeons sufficient for provincial requirements yet as the Hon'ble Home Member said on the 5th instant pecuniary aid might well be expected, Sir for such institutions from the sums at your disposal. I earnestly hope that no false economy will be permitted to prevent the equipment of these institutions with an efficient staff of lecturers and adequate appliances.

"Lastly, there is the great question of Primary Education to which, after the debate of last month on the Hon'ble Mr. Gokhale's Resolution, I shall only briefly advert later on in dealing with the position of local bodies, to whose care it is almost wholly committed.

"The financial difficulty is the one that has stood for long in the way of Educational progress in the Central Provinces, and there is a great lee-way to make up. The grants that have been made of recent years to the Province in common with other Provinces should, therefore, prove barely sufficient for works already in hand to be completed and small reforms to be started, and it would be hoping against hope to see any accumulation of funds for any new and important project, unless, of course, the Local Administration fails to utilise the grants on the objects for which they have been allotted.

"Education, Sir, is not the only object in respect of which there is the peremptory necessity for a liberal outlay in the Central Provinces. Local Government—whether it is the administration of rural affairs by District and Local Boards, or of urban areas by Municipal Committees—requires for its due development a great deal of improvement in the finances of these institutions I have intended, Sir, to move a Resolution in this Council asking for a grant of five lakhs with the object of strengthening the resources of these local bodies, but in view of the large discretionary grants made by Government I thought that the Local Administration might be able to help them. Now, with regard to larger municipalities, I think they have been carrying on their work with considerable success and with the aid of the large Sanitation Grant made to them have been able to discharge their duties satisfactorily, but with regard to the smaller municipalities, and these include several at district head-quarters, the need for strengthening their resources remains unabated. Among other objects provision of an adequate supply of potable water to the people of such towns is one of the utmost urgency. It involves costly schemes for water-works. This would naturally put a heavy strain on Provincial Resources, and the Local Administration will, therefore, have to make the best of the grants that have been made to it in trying to improve the present state of things by meeting to some extent the growing demands of municipal committees.

"With regard to district councils the case is still worse. Their income is limited practically to the collections of provincial land cesses, realization of cattle-trespass fines and rather the surplus of income from pounds and the doles made from Provincial Revenues from year to year. These provincial grants have been more or less of a fixed nature, and for several years past no addition worthy of mention has been made to them. Now, Sir, with regard to the Provinces, in which the Government shared the income derived from cesses on land with the local bodies, the Hon'ble the Finance Member the other day announced the Government of India's determination to allow the income from them to be made over to District Boards and thus to strengthen their resources and afford wider scope for their activities. The position of the District Councils in the Central Provinces which for several years past have been receiving the entire collections of the cesses is in no way improved.

"Their sphere of activity is very wide including, as it does, Education, Public Health and Communications. Without disregard of the just claims of other objects they have fostered Education to the best of their ability, but have only succeeded in improving schools already established and have not been able to increase appreciably their number. Funds have only just begun to be furnished them for no expansion of Primary Education. Some of the District Councils have all these years borne also the cost of a few Anglo-Vernacular Schools, and it is gratifying to see that they are at last about to be relieved of the burden. These local bodies bear the cost of Vaccination Establishment, contribute largely to the dispensaries both at head-quarters and in the district, maintain veterinary dispensaries, sink tanks and wells to supply drinking water in rural areas, with the aid of contributions, no doubt, from Government as well as the villagers, and they also bear no small a share of the cost of plague-preventive measures. They maintain several of the metalled roads and even construct new ones through their own Engineering staff and they are also bound to keep up village-roads. With such a wide range of duties their limited income is almost wholly absorbed by recurring charges and even—as there have been instances—some public spirited gentlemen comes forward with a large donation for a useful object—say the starting of a dispensary the cost of construction whereof his donation is intended to meet—the District Council feel great hesitation in accepting the offer for fear of incurring the liability in respect of a portion of the maintenance charges in respect of the institution which they may find it difficult to discharge. And all this in spite of the desirability of opening

dispensaries and affording medical aid to the people in the interior of the District. Sir, I should have expected these requirements of my Province to be met at least in the same liberal spirit as was displayed towards Assam. Too much importance cannot be attached to objects which are meant to promote the happiness and prosperity of the masses and it is in their interests that I have dwelt on this subject at some length. I have instanced a few of the principal requirements for the steady development of my Province but, no doubt, the Local Administration has to arrange for communications by means of feeder roads between railway stations, where new lines have been opened and important towns or villages in the vicinity. I could multiply instances where the demand is great. All these objects must very seriously tax the resources of the Administration. I hope, Sir, that in the event of the grants made to the Central Provinces proving insufficient, and in the event of the Administration coming up to the Government of India with a request for supplementing these grants the Government of India will be well disposed towards the request and will meet such demands in a liberal spirit from some savings or the portions of the grants to Education and Sanitation which they have kept in reserve with themselves.

"Sir, in conclusion, I have in the seconds left to me only to say that it is as much with a view to publicly drawing the attention of the Provincial Administration as to making to Government of India this appeal that I have referred to these matters because the Central Provinces do not at present have a Provincial Council of their own, and to express the hope that it will come soon and that in its wake will follow the raising of the status of the Administration to that of Local Government."

The PRESIDENT:—"I have given the Hon'ble Member a minute over his time, and I must therefore now ask him to resume his seat."

The Hon'ble RAJA JAI CHAND:—"I have no observation to offer on the Budget proposed for the coming financial year 1913-14, as it stands in its final form not on the changes, in figures as compared with those entered in the Financial Statement, or on what the Government have in the way of better or worse, *gained or suffered*, however I shall not mourn the loss of revenue caused by the fall of the sale of opium as it is my sincere wish that people will desist from the use of this pernicious drug. I am glad to say that the present condition of my province seems satisfactory to me and as such as does not have any room for complaint. In conclusion I beg to thank the Government and the Hon'ble Financial Member for all what they have so kindly done to meet the requirements of both the public and country in each line of their demands."

The Hon'ble SARDAR DALIP SINGH:—"I beg leave to make a few brief observations on our annual prosperity Budget laid before us by our worthy Finance Member whose masterly handling of the subject in all its details leaves nothing unelucidated. The only discordant note is the loss of income from fall of sale of opium abroad. It is, however, my pious wish that the Chinaman will eschew this degenerating and pernicious narcotic. I would wish indeed my own countrymen also to desist from the use of the drug. I shall not, therefore, mourn the loss of revenue on this head. We hope to make up the deficit, ere long.

"Now, Sir, about the Delhi expenditure. The Budget speech has removed all possible misconceptions on the subject, placing the matter above all criticism. We shall soon witness the ancient capital rehabilitated with all the splendour and embellishment to which it is rightfully entitled, and in a few years hence point to a model capital combining in itself all that modern science of architecture can provide—'a capital,' to quote the words of Hon'ble the Finance Member, of a contented Empire, the abode of peace and prosperity, of wise and prudent counsels, and I may also add that the Imperial capital will be the envy of the world if not absolutely unique in itself. It will be the genius of that ideal administrator whose equilibrium of mind nothing can ruffle or disturb, which will achieve the accomplishment of the gigantic task.

"Coming now nearer home I should have expected a larger allotment from the Imperial exchequer for my province 'the spear head of the Empire,' whose needs are manifold. Were it not that our Local Government and the departments under it husbanded our resources and income as well that its financial position has been improved affording a protection for the future, I would have made a point of complaint on the score of placing us on par with similar administrations for the share of Provincial allotment.

"On the whole, we have to congratulate ourselves on the prosperous year that is just to close. While fully supporting the Budget, I cannot help regretting that we shall be deprived for succeeding years of the expert knowledge of our present Finance Member, whom we all wish to detain if we could and whom we can ill afford to spare."

The Hon'ble Sir IBRAHIM RAHIMTOOLA:—"Mr. President, nothing would be easier or pleasanter than to join in the chorus of appreciation and congratulation which has been showered on this Council on what is termed a prosperous Budget, and the prosperous condition of Indian finances. Now, Sir, if the figures, as indicated in the Budget, really represent a prosperous India in the real sense of the term, no one would be more ready to join in those congratulations than myself. But I do not think it can seriously be contended that because there is a large surplus in the Budget estimates, that therefore India is necessarily more prosperous.

"I will deal with the two items to which reference has been made in the Financial Statement, namely, the progress which agriculture has made and which trade has made; and I will also deal with the question of the balance of trade in favour of India, after payment of the liabilities to the Secretary of State for home charges, interest on debt incurred and other items and if as the result of that, we find that the country is growing prosperous, then I am quite prepared to admit that it is a matter for great congratulation.

"Well, Sir, to take the point of the surplus, first, it appears to me that a large surplus indicates that the State has taken more money from the people than it was justified in doing. Sir, before I deal with the principles underlying taxation, I will refer to what the Hon'ble Mr. Fenton said that if the Members of the Government of India consisted of a Board of Directors of the 'Indian Empire Trading Company,' then I am quite sure the result, as indicated by the Revised Estimates, would be pre-eminently satisfactory and the claim which the Hon'ble Member put forward for a substantial portion of the profits to go to the officers of that Company as a bonus, and as a contribution to provident fund would be unanswerable. Sir, the Empire of India Trading Company would show that, after meeting all the liabilities during the current year, the profits of the Company were so large that there was a

huge surplus for distribution amongst the shareholders; but unfortunately the analogy does not apply. The Government of India receive in the form of taxation money required for the purpose of carrying on the administration of India, and the principle underlying all levying of taxation is that a State or a public body authorised to impose taxation is not justified in taking from the people sums appreciably in excess of what their actual requirements are for the purpose of carrying on that administration. Sir, I do not wish to go into the causes of how this surplus was obtained except as to one or two points to which I will refer later on. There is one feature at all events of the Budget which is very satisfactory, and that is that the surplus, whatever causes may have contributed to it, is proposed to be utilised in a manner which has received the unanimous approval of this Council and the public.

"Now, Sir, I will deal with one of the items which has led to this large surplus. I mean the profits made on the railways in India, which I think calls for some remarks. The present Revised Estimates show that the net return on the expenditure on railways in India, will be 5·89 per cent., or in other words, after meeting all liabilities (if I remember the figures correctly) there is a profit of over 54 crores. Now, Sir, I am one of those who believe that the sources of State taxation are quite apart from those sources of revenue which are obtained for services rendered. In all Legislative enactments constituting municipalities, district local boards and other public bodies, it is laid down that, in the case of water supply, drainage and other items of services to be rendered, that those public bodies shall not levy a percentage of taxation in excess of the expenditure incurred in regard to those services. I find that the Government of India are also practically following that principle in the matter of Posts and Telegraphs, where the figures practically work out to approximately the same. In the matter of railways, there is a very large sum which is taken from the public as profit. Now Sir, it appears to me that railways are also an item of services rendered, and therefore the large profits derived from railways ought not to be regarded as legitimate sources of revenue for the purpose of administration in the same manner as collections from taxes such as Excise, Land Revenue, Salt, etc. These two classes ought not to be put on the same footing. Sir, the Government are practically a monopolist in the matter of railways. All the trunk lines belong to them, though they are worked by private companies. If Government are so inclined and if some such restriction was not accepted of not making large profits out of this monopoly then by the mere raising of rates any amount of revenue can be derived, and that would clearly be for all purposes additional taxation on the people of this country without calling it by that name.

"I should like to know—and I will probably put some interpellations at the next meeting of the Council in Simla to find out—in what proportions this extra revenue is derived from the two main sources, the first source which is a perfectly legitimate one, viz, the larger movement of trade and commodities, as evidenced by the growth of both our import and export trade dealt with in the able memorandum which the Finance Minister has placed before the country, and secondly what portion of it—that is a point which I think is of considerable importance—what portion of it is due to the increase of rates on goods and passengers carried by these railways. I think it would be interesting to know when the financial results of working the railways at the present time are so eminently satisfactory, as is proved by the figures whether there has been any increase in rates. If so, it is obvious that there has been no justification for such increase. I do not wish to urge that the whole of this extra revenue from railways should be utilised in reducing rates, but I do maintain that, in addition to providing large sums of money, as is actually done in the present instance for the extension of railways in the country, a portion at all events of this large amount ought to be earmarked for encouraging what I would call inter-territorial trade in India itself as one of the items of promoting indigenous industrial enterprise in the different parts of the country. Sir, in one of the debates in this Council a year or two ago, the question was prominently brought forward that the railway rates were fixed in view of the long distances which imported goods alone would cover before they reached their destination. There is a marked difference in the scale of rates charged for imported goods which necessarily are carried over long distances, as against goods manufactured in the interior of India and carried to other parts of India. I venture to submit, Sir, that if the railway administration is earning such substantial profits, a portion at all events of these profits ought to be earmarked for encouraging the indigenous industries in India by substantially reducing the rates for carrying goods manufactured in one part of India to another part of the country.

"The other item of revenue which, from a business point of view, gives a large return is irrigation. The productive works give the large return of 8·81 per cent. Now, Sir, the whole country wishes that as much money as can possibly be spared should be spent in the promotion of works of irrigation, and I think that the best policy would be that the profits made on irrigation works of a productive character should be utilised for the purpose of increasing protective works to give relief in districts which are habitually subject to famine conditions. I am very glad to observe, Sir, that that policy is really being pursued. The profits of productive works of irrigation ought to go, and as a matter of fact a large portion of them do go, to the construction of what are called 'protective irrigation works' for the purpose of relieving those areas where famine conditions prevail more frequently than in other parts of the country.

"Sir, it must be regarded as a gratifying feature of the Budget that, in spite of a substantial reduction in the opium revenue which has come down to a little over two crores of rupees, the Budget Estimates indicate a surplus of two crores. So that even if the whole of the opium revenue had been extinguished this year, there would have been an equilibrium between revenue and expenditure. It must have been, however, particularly gratifying to the Hon'ble the Finance Minister, that even in the face of this state of things member after member got up at the meeting of this Council only a few days ago, saying in effect that 'even if you do not want the money, take more money from the people in the shape of sugar duties, or in the shape of other import duties.' It was most amusing, Mr. President, that at a time when the financial condition, according to the estimates placed before this Council, is in a very satisfactory condition, we, non-official members should have been so anxious, as keen, to suggest a demand to spend it in the advancement of irrigation, in the advancement of education, in the advancement of the 'multifarious objects of public utility,' then I would have understood it; but it was difficult to follow the anxiety exhibited as it was purely on the ground of loss of opium revenue.

"Well, Sir, I am very glad that the question of gold currency has been taken up by the Government of India in all earnestness. The question must be decided soon. The currency policy of the Government of India may have, at the time when it was adopted, led to a lot of adverse criticism and opinions may still differ as regards the results to the people of India of raising artificially the value of the rupee. But Sir, that policy has been put into force for better or for worse and it has worked for many years. It must now be carried to its logical conclusion, by gradually turning the gold standard into gold currency. I am very glad that steps are being seriously considered for the purpose of giving effect to the only logical outcome of the policy that Government laid down in the matter of our currency, and I hope that, before long, the question of gold coinage in India will be definitely decided upon, and that action will actually be taken.

"With these few remarks, I will conclude my observations."

The Hon'ble Mr. VIJIARAGHAVACHARIAR:—"Sir, I wish most cordially to associate myself with the Hon'ble Members who have just given expression to their feelings of appreciation of the eminent services rendered to this country by the Hon'ble Sir Guy Fleetwood Wilson who, I am told, is on the eve of his retirement.

"Although I am new to this Council, I have not been altogether a careless reader of the proceedings of this Council. For some time past I have looked through the proceedings relating to the Budget discussions with considerable care. Time was when it was considered that to make a successful Finance Minister it was necessary to be a clumsy speaker, to have a sort of stammering and to have a cold heart. This in spite of some rare exceptions was a sort of superstition, and I think the ideal of this superstition was first broken by Mr. Gladstone. It was exactly 50 years ago that Mr Gladstone brought his first Budget—I think in April 1853—when he subjected huge figures to his brilliant rhetoric, sweeping the whole horizon of the financial world, and stooping at the same time to pick up and scrutinize the minutest items, he kept the House spell-bound. Thenceforward it was an accepted belief that one could be an orator, a philosopher and a humanitarian and could bear warm feelings to the people, to the poor, to make his cases and cheaper and yet be equal to the greatest chartered accountant in examining figures. Something like that feeling came over me when I first read the speech of the Hon'ble Sir Guy Fleetwood Wilson some five years ago. Just as Mr. Gladstone introduced a new era in the financial history of England, we hope that Sir Guy has introduced a new era of financial administration in the Government of India. But I am unwilling to render my full thanks to him at once. On the principle of sinking fund, I reserve a portion of the debt. I would not discharge it at once, firstly, because the debt is too great to be discharged by us in one lump, and next, because it is now inexpedient to render him a full account and to take a full acquittance from him. We are often told that political morality and private morality are not exactly identical. So, while it is improper to base gratitude in private affairs on a sense of favours to come, it seems to be otherwise in public affairs. I mean to follow this principle and to reserve a big portion of the debt for payment at some future time.

"Now, Sir, there is one important aspect in the Budget which alone would entitle him to our gratitude. He has distributed surpluses very much like a dying man in justice and in charity: but he has also administered—and, this I consider the more important—with the unselfishness of a dying patriarch, warnings too which are of the utmost importance to us. The most important warning he administered is the warning to the railway service and to the railway administration. I wish to associate myself with all that has just been said by the Hon'ble Sir Charles Armstrong except with that portion which relates to the railway policy of Government. I am very sorry I cannot agree at all with what he said about railway administration. The Indian Government is not a company of exploiters; it cannot go on administering its funds entirely on business principles. I believe that one brilliant satrap once upon a time, I think in a post prandial speech, said that the Government of India are exploiters too. It is a most dangerous statement to make, and it ought to be authoritatively repudiated from time to time. I think the future of the Indian railway is, for economic purposes, a system of District Board railways on a gauge of 2 ft. or 2 ft. 6 inches, and for strategic purposes, a well-equipped system of State-managed railways. The administration of railways must be no longer left with private companies, but must be gradually brought into the hands of Government. But be that as it may,—it would be somewhat irrelevant to develop that idea now—I would venture to call upon his successor on whom his mantle will fall, to accept this testamentary gift, viz., the warning about railways, to accept it as trust for the millions. There is another and a cognate subject to the financial administration, and I would call attention to the Resolution so ably moved by the Hon'ble Sir Gangadhar Chitnavis, and to the sympathetic reply given by the Government. I thought it was a closed affair so far as the Council was concerned, but since then a question has been put by Sir John Rolleston in the House of Commons, and that is my only excuse for making an allusion to that subject. The question is disquieting. I can't understand why ex-Indians should be excluded and all such who have had anything to do with the financial administration of this country for the long period of twenty years. No doubt the reply of Government was somewhat satisfactory, but it does seem to me that the question has the ring of an attempt at a conspiracy to muck the coming Commission. I believe we have reached an acute stage in the financial history of India, and I am entitled to beg and pray that the Government should be watchful, and it cannot be accused of being too vigilant on this occasion. Whatever may be the final view as to the currency question, one thing is certain—and Sir Charles Armstrong has emphasised that point—that we have reached a point where it is impossible for us to stay. The idea of the rupee being at once a token coin, with an enormous difference in the purchasing power between bullion and coin, and at the same time being legal tender to an unlimited extent and yet depending for its somewhat steady value upon a highly complex state of things such as Council Bills, telegraphic drafts, what is called balance of trade in favour of India, all which confuses an ordinary man, and a host of circumstances which it is impossible for an ordinary layman to analyse and grasp—all these must be examined not only from the standpoint of Lombard Street, but also, and more exclusively, from the standpoint of the people of India and the Indian Government. I deny that this can be done by experts and experts only from England, and we find that even England cannot boast of great financial experts unless there is some Jewish blood in their veins.

"I see that Lombard Street revives doctrines which in my school days I was taught were destroyed and buried by Adam Smith, never to be revived. The balance of trade in India means this, that India should ever be a greater international seller, and that of raw produce, than it is a buyer. The balance

of trade always means that India should ever be creditor to the world, and yet we are told that no gold should come into India at the same time in payment of the dues to her by the world. I cannot understand the two things together, that we should ever be a creditor and yet we should not take gold in discharge of the debt due to us. All that I ask for is this: that at this time it is become absolutely necessary that Government should give full expression to the views of the people, that no opinions expressed by experts and no finality adopted by Lord Crewe on the faith of those opinions would be accepted by the people and Government of India unless and until the Government of India sends its own delegates—not witnesses merely—to sit on the Commission. No matter who these delegates are, it is premature to mention names. In these circumstances I cannot understand the full scope of the question put in Parliament. It seems to me exceedingly mischievous and has quite a sinister look about it. There are ex-Indian officers and ex-Indian officers, and it is for the Government of India to select its own delegates. Whether it is those who are in service, or those who have left service, officials or non-officials, Hindus, Mahammadans, or Englishmen, it is for the Government of India to decide. It is not for fictions and experts in England to dictate to India. All that I do hope is that the Government of India at this crisis will not let go this opportunity, and will use its utmost influence to secure a representation of Indian interests on the Commission itself from the point of view of this country.

"I have only one or two more points to allude to, sir, and they are these: We are often accused of offering only destructive criticism. I wish to confine myself to one or two suggestions in the nature of what I may call constructive criticism. The first is this. I would suggest a redistribution of the business of the Government of India. I believe this can be easily done. The redistribution, I consider, is necessary as well in the interests of the business of Government, as, I think, in the interests of the country itself. I believe it would afford relief at once to the Home Department, and would also be expedient in public interests. What I ask for and what I am aiming at is that there should be a separate full-time Minister for law and justice. You will remember that there were two new Departments created within a short time, the Department of Commerce and Industry, and above all, the Department for Education. It must be conceded that within the short period of the creation of the Education Department it has made very rapid progress, though not adequate, to the needs of the country, and the country is very grateful for this step taken by Government. On the one hand this is so, and on the other hand, I believe the business of the Home Department is increasing and will certainly continue to increase greatly now that we have this Conspiracy law passed. I say it in all seriousness. It has to provide safeguards, to examine reports, etc. Therefore it has an immense amount of work to do and this work, the Hon'ble Home Member said would not be judicially done; I do hope, however, that it will be judiciously done. He has to examine various reports submitted to him in each concrete case and upon these reports the question of sanction is to be determined in each particular case. I think he is entitled to relief. For the creation of a new Department for law and justice all that is necessary is the readjustment of the existing Departments, not by any alteration of the law nor by adding to the existing number of Members. This new department, I repeat, is absolutely necessary. I think that there would be a three-fold business for the Member who will be in charge of law and justice. The three-fold business will be, firstly, the initiation or drafting of legislative measures of the Council, next, to deal with the supervision of the administration of justice, and lastly, to be able to deal with questions relating to mercy and applications for pardons and remission of sentences by prisoners, advising the Viceroy in the exercise of this noble prerogative of the Crown. All this will take up the full time and more than the ordinary full time of the Law Member. I venture to state that this branch of the business entrusted to the Home Department has not been most satisfactory and has created considerable discontent.

"When I allude to discontent I wish to allude to the discontent not only existing in public, but among the higher officers of the judicial service as well both Indians and Englishmen. Rightly or wrongly a belief prevails—and I confess to a weakness that I share the belief—that those judges who are not quite loyal to the police view in the disposal of cases do not get promotions rapidly if at all. This is a belief shared by the members of the Indian Civil Service, and it is thus absolutely in public interests that such a belief should be removed. I know of some cases where persons who have been long judges are discontented. Curiously enough greater sympathy exists between these judges and the people of the country.

"I am very sorry to observe that there exists a belief that we can get full justice only from discontented judges who no longer expect any promotion. It is not wise—it is not in the interests of Government—that such a belief should exist. One of the wittiest things I have ever been told was what a certain District Judge wrote in his diary. 'All is lost. Moral.—Marry a Councillor's daughter or a charming hostess.' Now this expedient of falling in love with a Councillor's daughter or a charming hostess is not available to all District Judges. So we must provide some other means of relieving this kind of feeling certainly existing among civilian officers too. This is an important matter, and I think the time has arrived for the appointment of a new Minister who will devote himself exclusively to the portfolio of law and justice. And in this connection I may as well point to a feeling which exists universally in India, that is, that the Law Membership of the Governor General's Council—this might require an alteration in the laws—should not be confined to Barristers. For many a long year to come the Indian Membership in this Council and in the Local Councils will have to be recruited from the Bar. Now I do hope that the field of selection will be extended to the High Court vakils. No greater justification is necessary in proof of my demand than the fact there has been a galaxy of distinguished judges who have sat upon all the High Courts and adorned the Bench.

"The next and last point I wish to call attention to is this: We all know that from 1833 to 1853, there was the Law Member—and the first Member was Lord Macaulay—who had nothing whatever to do with portfolios. For twenty years this system prevailed. When he was Law Member—such is my recollection; I have not got the old Acts—Lord Macaulay had nothing whatever to do with a portfolio, with the transaction of the Executive business of Government, and it was only by courtesy that he had access to the papers of Government. It is highly desirable that we should go back to that state of things. This requires an alteration in the law, and it requires money. But the money is worth spending, and the additions and alterations in the law can be easily made and are worth having. I consider that this Council should be presided over by a first-class parliamentarian who should relieve the Viceroy from doing this work. I am one of those who believe that the Viceroy ought not to preside over all the meetings of the Council. He may open a Session of the Council and he may close it; but there should be a permanent Vice-President with experience of parliamentary life to preside over our deliberations, so as to make this Council really a model Council for all India,

"I think the first thing that the Government would expect me to speak about would be what the people of the poor Province which I have the honour and privilege of representing here think of their new situation, how we are feeling under the new regime. And I am glad to say that I have numerous requests from various quarters to speak out that we greatly appreciate the change. There were indeed some misgivings in the beginning, when the Coronation boons were first published, that the reconstitution of Assam into a Chief Commissionership might mean a retrograde step, a reversion to the old 'one man rule' when the voice of the people was often more than not a cry in the wilderness. But when it became patent that the intention of the Government was quite different, that it was not only granting us a Legal Council, but was going to give us extra help and attention to make up for its past neglect, the feeling settled down into one of uniform and unalloyed satisfaction.

"Assam is indeed still very backward and poor; but I venture to think that the backwardness is great[illegible] due to the indifferent treatment she has received from the Government all along. Assam has vast resources to develop, enough of intelligence to stimulate and a past civilization to draw upon, her political significance in relation to the whole Indian Empire is also by no means mean. She has already its great Tea Industry—an industry to which the Government and the people alike owe a great deal for its valuable contribution to the development of the Province—she has her vast forests capable of immense development, her vast fields of culturable wastes, her coal and kerosene, lime and oranges, her cotton, silk, timber, agar, cane, rubber, lac and other forest produces and mines and minerals yet unexplored. If Assam has been backward, therefore, it is not because she has not her own potentialities, but because she has been grievously neglected in the past. One would wonder that a country can remain so backward after such a long period of British rule.

"We therefore offer our dutiful homage of gratitude to His Gracious Majesty and unbounded thanks to the Government of India for just the right step that has been taken to give her a push forward by forming her into a separate Province to enable the Government to give her a separate treatment and extra help she so eminently deserves.

"I shall not be doing justice if I omit to mention a small section belonging principally to Sylhet who are still prepared to raise a cry for going over to Bengal. But I am glad to say that from all inquiries I have been able to make, and from the words of a responsible leader of Sylhet to whose words I have reason to give very great weight, the agitation has its origin in a few high class gentlemen who have some profession or business in Calcutta and are anxious to rub shoulders with the great men of Bengal. I have been assured by the gentleman above referred to, that these agitators, with all the influence they command, will not be able to enlist the co-operation of even 1 per cent of the whole population. And I hope they will soon begin to see that by being clogged to the most advanced presidency of India, whose needs and aspirations are more than she can meet for herself, we cannot get the extra aid we want and that the present one is the only best arrangement for us.

"We only hope and pray that Assam will now begin to be considered by the Government on her own account, and no longer treated as (in the apt words of the *Statesman and Friend of India*) a 'pawn in the political game.'

"On behalf of my Province, I respectfully offer my most sincere thanks to the Government of India for the special grant of 20 lakhs that it has made this year and the smaller special grant of last year, and also for giving us a good and sympathetic ruler like Sir Archdale Earle whose vigorous and energetic efforts for the advancement of the Province in all directions has already evoked admiration and affection of its people. But I venture to think that the Hon'ble the Finance Minister was not at all in need of making an apology by saying that the grant has been made in the way of an investment by a senior partner. For, I may say for the information of my Hon'ble non-official colleagues, if my calculation is correct the senior partner has been already drawing profits and even after the special grant of 20 lakhs and its ordinary Provincial grant, the Government of India will still retain some 16 lakhs to itself out of the contribution made by the poor Province.

"In view of the undeveloped condition of Assam whose population is now only about 120 to the square mile, one would feel justified in thinking that the Province should get extra grants in addition to her own resources. I greatly hope that the Government of India will be pleased to seriously consider at the time of the proposed permanent settlement whether the Province should not be allowed at least to [illegible] the full benefit of its own resources. I again thank the Government of India for all it is doing and all that it means to do for my poor Province, and I repeat my prayer that it will continue always to give us good rulers like Sir Archdale and for a long time yet to help us with suitable special grants.

"I also thank the Government for the enthusiastic interest it is taking in Education in response to the desire of our beloved King Emperor. Education is a subject than which nothing seems to be more important for ever true regeneration and deliverance, and in it I always feel the greatest interest. It is admittedly still defective; and as we are studiously excluding God from interference in the sacred field of Education—the field for elevating the mind and building up character—I am afraid the defects will yet continue notwithstanding all that is possible to be done, but nevertheless we are all anxious to [illegible] that we can. I entertain a pious hope that my countrymen will soon begin to see that men of us are no godless and that the God of the Hindu, the Mahommedan and the Christian is not so essentially different that, leaving aside sectarian rites and forms to be observed at home, we cannot find some common ground [illegible] invoking the aid of the eternal Source of all good for the elevation of the mind and [illegible] dustic youths in schools and colleges. Of this, however, this is not the proper time to speak. What I want to say in this connection is that along with education we must remember the main feature of His Majesty's wish and command, viz., that education and all that come in its train are but means to an end—and that is 'the union and fusion' of the culture and aspiration of His Majesty's European and Indian subjects. A higher ideal for the perfection and consummate development of the Great Empire of strength and beneficence that it has pleased God to build up by the union of England and India cannot indeed be conceived. For the realization of this great object there is ample field for all of us to do outside the limits of education proper; and with that end in view it behoves all His Majesty's loyal subjects, Indian and European, to work with common heart and will. We, Indians, have to see that while preserving what is needed of our old civilization, we should come forward with an open heart to imbibe and assimilate all that is

good and high of what has come from the West and has been laid at our door by the hand of God; that a patriotism which aims at reverting to the old—a tendency to which seems to have been developing since some time—will not help us in getting what we want. To claim all the benefits and privileges of Western civilization without willingly giving up all that brought woe unto us is a paradox which to many minds will not be intelligible.

"The Europeans should also see that they can aid this great cause by shaking off their conservatism and all that stand in the way of their embracing the Indians as brothers—in need of further tuition no doubt—and not as bastards or half-brothers. And the Government can greatly help this cause by strictly enjoining all European officers down to the chota sahibs of sub-divisions and the teachers and professors in schools and colleges always to work with one spirit—to infuse all that they can of their higher ideals into the Indian mind, to treat the Indians with sympathy and love and not despise them for their shortcomings, to draw the Indians closer to them and to be themselves drawn closer to the Indians, to act as the mediators between the European and the Indian and to bring both into closer contact and better mutual understanding and appreciation. I hope the Government of India will find a way to bring about such a happy state of things through the numerous officers who come in daily contact with the great mass of the Indian population. How much happier would India at once be if the spirit now ruling the various Secretariats were carried by the officers who have to deal directly with the people!

"In conclusion, I most sincerely echo all the praise and congratulation that have been justly offered to our able and popular Finance Minister. The admirably lucid and attractive manner in which he has drawn up the financial statement, the way he has managed the financial affairs of India, and the very judicious distribution he has made of the surplus, are all matters that can evoke only one feeling and that has been given vent to by all my Hon'ble friends who have spoken before me. If we have to bid him good-bye as we have been told, we shall certainly part with him with sorrow, but in bidding him good-bye we would assure him that he carries our love with him; but in view of the strong non-official opinion which has unequivocally found expression, let us hope we may still have him at the helm of our finances for some years more to come."

The Hon'ble Sir GUY FLEETWOOD WILSON:—"I do not propose to detain the Council long to offer many remarks; but I should like to preface my remarks by saying how deeply I regret the absence of one who has proved himself to be a true servant of India, and that is Mr. Gokhale. I am sure that my regret will meet an echo in the hearts of every man here, and I especially regret that he is absent owing to rather serious ill health. It is difficult for those who served in previous Councils to express to those who are new to this Council what a great blank Mr. Gokhale's absence creates. It seems to be the play of Hamlet without Hamlet, and I think we all agree in wishing him a return to good health and a return to the Council next year.

"Many points of much interest have been advanced during to-day's debate. I hope the Members who have urged them with ability, with force and at the same time with moderation will not hold me guilty of any discourtesy if I do not on the last day of the Session deal with them. Any remarks which I might make would be almost futile as I am not in a position to pledge my successor either from the standpoint of acquiescence or of objection.

"None the less, I am sure, that Hon'ble Members will not deny me an opportunity of bearing testimony to the great assistance which I have received from my staff and of testifying to the extreme value of their services to me, to this Council and to India.

"Mr. Gillan is well known to members who have been brought in contact with him in his own province or who knew him when he was holding the high office of Comptroller and Auditor General and Head Commissioner of Paper Currency in Calcutta; and I think that every one of this Council will agree with me that the mantle of Sir James Meston has fallen on worthy shoulders, and that Mr. Gillan has already proved his exceptional fitness for his present high office. I am deeply indebted to him for the devoted help which he has given me from the first moment that he joined my Department.

"Mr. Meston, as Deputy Secretary, is entrusted with work of the most important character, but which does not come quite so much under public view as that of his immediate superior. I should like to say that the sole reason why he did not fill the office which was ably held by Mr. Howard during my absence in England was that he had only just joined the Department and had had no previous financial experience. He has now had that experience, and I am glad to bear public testimony to his fitness for any financial duties which might be entrusted to him in the future.

"In Mr. Cook the Finance Department possess one of the ablest young financial officers I have come across, and it is in no small measure due to his ability and self-sacrificing devotion to work that the Budget has come out so well.

"Only one of the superior officers remains in the Department who was in it when I joined it, and he is Mr. Bhupendra Nath Mitra. Mr. Mitra's name will, I feel sure, always be received with honour in this Council in connection with Budget work. He is a man of quite exceptional gifts, of unbreaking courage, of great personal charm, and is without exception one of the ablest Budget officers I have come across during the whole of my career. To him my warmest thanks are due, and I feel confident that whatever position he may hold in the future he will hold it with advantage to the State and honour to himself."

Mr. Blunt who has been kindly lent me by Sir James Meston has rendered excellent service.

"I barely like to mention more names, because if I mention the names of all those who have rendered good service, to-day's debate would be unduly extended, but I cannot refrain from thanking the present Chief Commissioner of Delhi, Mr. Hailey, for the valuable and loyal support which he rendered me when he was my colleague, and I must say that what is Delhi's gain is the Finance Department loss, because Mr. Hailey is undoubtedly one of the most able financiers that we have in India.

"Lastly, I ask your permission to tender my thanks for, and my appreciation of, the valuable help and the invariable courtesy and kindness which have been accorded me by Sir William Vincent, to whom this Council is so deeply indebted.

"I desire to refer to a matter which, I admit, is only remotely relevant to the Budget. I am invariably careful not to touch on topics outside my province; but since on this particular day

discussion is permissible on any subject of general interest, and as this is the last occasion on which I shall address this Council, Hon'ble Members will bear with me, if I depart from my usual reserve.

"The matter in question is that 'racial question'—so called, which has been so prominent of late. Sir, for five years, I have served with and been served by Indian Civilians who are my countrymen, and I need say no more of my connection with that service than that I am immensely proud of it. What I wish to emphasize is this—that in my experience the best Civilians never give so much as a thought to this 'racial question,' unless circumstances force it upon them, and that they find the necessity to think of it, when thus forced upon them, utterly repugnant. The motto of such Civilians might well be '*Homo sum : nihil humani a me alienum puto*'

"Except from one (and that a very limited) point of view, there is no 'racial question.' So much [illegible] that one race, by habit and training, may be better fitted for a particular kind of work than [illegible] man in his senses would think of sending a Bengali to hunt outlaws on the frontier, or of sending an Afridi to cast accounts in Calcutta. Similarly no man would try to turn a city bred cockney into a Scotch deerstalker; or a Scotch gillie into a London bank clerk. But apart from that it is never a question of race *versus* race, but of man *versus* man.

"There are good Indians, indifferent Indians, and bad Indians; just as there are good Englishmen, indifferent Englishmen and bad Englishmen. That is in my opinion the sum of this matter.

"And in this connection, Sir, I ask to pay a tribute to the Indians whom I know best—the Indian officials, high and low, of my Department. Through the five years of my connection with them, they have proved themselves to be unsparing of service, helpful with advice, and absolutely trustworthy. When need arose, they have done ungrudgingly a double or treble rate of work; when their advice was sought, they have given it me fully and frankly. As for their trustworthiness, let me give an instance.

"Three years ago, when it fell to my lot to impose new taxes, it was imperative that their nature should remain secret till they were officially announced. Everybody in the Department and some concerned with, but outside of it, had to be entrusted with this secret. Any one of these, from the high officials to the low-paid compositors of the Government Press, might have become relatively a millionaire by using that secret improperly. Yet so well was it kept that a ship laden with silver in Bombay harbour delayed, unnecessarily, its unloading for three days, and was consequently caught by the new tax.

"I have said, Sir, that there are good and indifferent and bad Indians. I wish to add that my Indian staff takes the highest place in the first of these three classes. To them, individually and collectively, I wish to publicly acknowledge my indebtedness and my gratitude.

"It but remains for me to express my profound thanks for the patience and consideration which have been lavished on me by every man in this Council, from His Lordship, under whose dignified and essentially distinguished presidency we have the privilege of meeting, to the last joined member who has assisted at our deliberations."

The Council adjourned *sine die*.

DELHI;
The 31st March 1913.

W. H. VINCENT,
Secy. to the Govt. of India, Legislative Dept.

(Republished by order of His Excellency the Governor in Council.)

L. DAVIDSON,
Ag. Secretary to Government, Legislative Dept.

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